

It is ordered, that John W. Norwood, an examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Tuesday, August 18, 1936, at nine o'clock in the forenoon of that day (eastern standard time), at room 500, 45 Broadway, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F.R. Doc. 1573—Filed, August 5, 1936; 11:10 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of August A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2838]

IN THE MATTER OF *BOURJOIS, INC., A CORPORATION, AND BARBARA GOULD SALES CORPORATION*

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, August 21, 1936, at nine o'clock in the forenoon of that day, in room 500, 45 Broadway, New York, eastern standard time.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F.R. Doc. 1574—Filed, August 5, 1936; 11:10 a. m.]

Friday, August 7, 1936

No. 105

DEPARTMENT OF THE INTERIOR.

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL No. 106

IDAHO

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928 (45 Stat. 728), that the following-described tracts of public land in Idaho be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights and as to the tract affected thereby to a power transmission line reservation under section 24 of the act of June 10, 1920 (41 Stat. 1063, 1075), for use by the Department of Commerce in the maintenance of air navigation facilities:

IDAHO

EDISE MICHIGANT

T. 5 S., R. 9 E., sec. 26, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$;
T. 5 S., R. 11 E., sec. 30, fractional SW $\frac{1}{4}$ of lot 2; aggregating 12.81 acres.

And it is ordered, that departmental orders of January 1, 1919, withdrawing certain lands for reclamation purposes, and April 8, 1935, establishing Idaho Grazing District No. 1, be, and they are hereby, modified so far as they affect either of the above-described tracts and made subject to the withdrawal made by this order.

T. A. WALTERS,
First Assistant Secretary.

[F.R. Doc. 1600—Filed, August 6, 1936; 9:25 a. m.]

[Circular No. 1400]

REGULATIONS RELATIVE TO PATENTS FOR LOTS IN PENSACOLA, FLORIDA

JULY 24, 1936.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

Sir: The act of June 5, 1936 (Public, No. 665, 74th Congress), provides:

That the provisions of the Act entitled "An Act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Florida", approved January 12, 1925, are hereby extended and continued to January 12, 1938: *Provided*, That there be paid to the Commissioner of the General Land Office a fee of \$5 for each lot described in an application for a deed of quitclaim under such Act, which fee shall be considered earned, irrespective of the action taken on the application.

The act of January 12, 1925 (43 Stat. 738), provides:

That the Secretary of the Interior be, and is hereby, authorized to determine and confirm by patent in the nature of a deed of quitclaim the titles to lots in the city of Pensacola, Florida, to those persons, firms, or corporations submitting satisfactory evidence of being in possession, and of a chain of title, legal or equitable, beginning more than twenty years prior to the passage of this act, or to those claiming by virtue of improvements and continuous adverse possession for more than twenty years prior to the passage of this act. Such claims to lots are to be based on the approved survey made in 1827 by James W. Exum, Deputy U. S. Surveyor, or upon a supplemental plat of survey where same is found to be necessary: *Provided*, That parties having claims to lots in the city of Pensacola, Florida, and failing to present same within three years after the passage of this act, will be held to have waived their rights so to do, and such unclaimed lots will thereafter be subject to disposition solely under the act of June 23, 1832 (Fourth Statute at Large, page 559).

(1) An application under this act must be filed with the Commissioner of the General Land Office, Washington, D. C., accompanied by the required fee of \$5 for each lot described in the application, prior to January 12, 1938.

(2) No special form of application is required; but the application must be under oath and must state that the applicant is in possession of the land and is shown by the county records to be the present record owner, claiming through a chain of title, legal or equitable, beginning more than twenty years prior to January 12, 1925; or that applicant was on January 12, 1925, in possession of the land and had been in continuous adverse possession for more than twenty years prior to that date and has made during that time improvements thereon. Applicant must also state whether he desires the claim to be based upon the approved survey made in 1827 by James W. Exum, Deputy U. S. Surveyor, or if he believes a supplemental plat of survey to be necessary.

(3) If applicant is claiming as record owner, he must file an abstract of title certified to by a competent abstracter, showing the record of all conveyances of the land from a date prior to January 12, 1905, to date of filing of the application, and the affidavits of two disinterested parties made of their own personal knowledge that the applicant is in possession of the land.

(4) If applicant claims by virtue of improvements and continuous adverse possession, he must file the affidavit of

two disinterested witnesses made of their own personal knowledge corroborating the statements contained in the application.

(5) If upon consideration of the application in the General Land Office, it is determined that a prima facie showing has been made that the applicant is entitled to a patent in the nature of a deed of quitclaim, notice for publication will be prepared in the General Land Office to be published at the expense of the applicant in a newspaper having general circulation within the city of Pensacola, Florida, to be designated by the Commissioner of the General Land Office. If it be a daily paper, the notice shall be published in the Wednesday issue for five consecutive weeks; if a weekly, for five consecutive issues, and if a semi-weekly, in either issue for five consecutive weeks. The applicant will be allowed 30 days from service of notice, within which to begin publication of the notice, and 90 days from said date, within which to furnish proof of publication as hereinafter required. The notice as published must contain the name or names of the applicant or applicants, the date of filing of the application, the nature of the claim, and such description of the land as will most easily identify the land. In addition, the notice must set a date before which, protests, or objections, to the granting of a patent in the nature of a deed of quitclaim to the applicant or applicants, must be filed with the Commissioner of the General Land Office, Washington, D. C. A copy of the notice will be posted on the bulletin board in this Department. The applicant must file the usual affidavit of the publisher, accompanied by a copy of the notice published.

(6) Upon submission of satisfactory proof of publication as provided in the foregoing paragraph, if no protest or contest is pending, and no other objection appears, certificate will issue and be followed by patent in the nature of a deed of quitclaim.

Sincerely yours,

T. A. WALTERS,
First Assistant Secretary.

[F. R. Doc. 1598—Filed, August 6, 1936; 9:25 a. m.]

[Circular No. 1401]

REGULATIONS GOVERNING THE LEASING OF PUBLIC LANDS, EXCLUSIVE OF ALASKA, FOR THE GRAZING OF LIVESTOCK

JULY 28, 1936.

Registers, United States Land Offices; Director Division of Grazing; Acting Director Division of Investigations:

Sirs: Section 15 of the act of June 28, 1934 (48 Stat. 1269) as amended by section 5 of the act approved June 26, 1936 (Public, No. 827, 74th Congress), provides that:

The Secretary of the Interior is further authorized, in his discretion, where vacant, unappropriated, and unreserved lands of the public domain are so situated as not to justify their inclusion in any grazing district to be established pursuant to this Act, to lease any such lands for grazing purposes, upon such terms and conditions as the Secretary may prescribe: *Provided*, That preference shall be given to owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit proper use of such contiguous lands, except that when such isolated or disconnected tracts embrace seven hundred and sixty acres or less, the owners, homesteaders, lessees, or other lawful occupants of lands contiguous thereto or cornering thereon shall have a preference right to lease the whole of such tract, during a period of ninety days after such tract is offered for lease, upon the terms and conditions prescribed by the Secretary.

The above amendment to section 15 changes materially the procedure relative to the issuance of grazing leases, as outlined in the regulations heretofore approved January 8, 1936, Circular No. 1375. The act, as amended, authorizes the Secretary of the Interior, in his discretion, where vacant, unappropriated, and unreserved lands of the public domain are so situated as not to justify their inclusion in any grazing district to be established pursuant to this act, to lease any such lands for grazing purposes, upon such terms and conditions as the Secretary may prescribe. This section of the act, as amended, also provides that a preference shall be given to applicants for grazing leases who are owners,

homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit the proper use of such contiguous lands. This act, as amended, also provides that when such isolated or disconnected tracts embrace 760 acres or less, the owners, homesteaders, lessees, or other lawful occupants of lands contiguous thereto or cornering thereon shall have a preference right to lease the whole of such tract, during a period of 90 days after such tract is offered for lease upon the terms and conditions prescribed by the Secretary of the Interior.

In general, the act, as amended, provides for the issuance of grazing leases to three classes of applicants, as follows:

- I. Leases where no preference right is involved.
- II. Preference right leases to applicants who are owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit the proper use of such contiguous lands.
- III. Where isolated or disconnected tracts embrace 760 acres or less, the owners, homesteaders, lessees, or other lawful occupants of lands contiguous thereto or cornering thereon shall have a preference right to lease the whole or such tract, during a period of 90 days after such tract is offered for lease upon the terms and conditions prescribed by the Secretary of the Interior.

Since the issuance of grazing leases under section 15 of the original act and the amendment thereto is discretionary with the Secretary of the Interior, and since no leases have as yet been issued, all applications heretofore filed, which do not conform to these regulations, must be amended to conform herewith. However, it will not be necessary for these applicants to file any additional evidence or showing until so directed by this office.

The following rules and regulations are prescribed for the administration of section 15 of the act of June 28, 1934, as amended by the act of June 26, 1936:

I

APPLICATIONS FOR LEASE

(1) An application for lease should be filed on form 4-721, approved July 28, 1936, in the United States district land office for the district in which the lands applied for are situated, except that in the States in which there are no district land offices, the application should be forwarded to this office.

(2) The application must be filed in quadruplicate, except where it embraces lands within the jurisdiction of more than one district land office, in which event it must be furnished in quintuplicate and may be filed in either office. The original application, only, need be sworn to.

(3) Any person who is a citizen of the United States or who has declared his intention to become a citizen, or any group or association composed of such persons, or any corporation organized under the laws of the United States, or of any State or Territory thereof authorized to conduct business in the State in which the lands involved are situated, may file such an application.

(4) Owners, homesteaders, lessees, or other lawful occupants of lands contiguous to those applied for shall have a preference right to a lease for such much of said lands as may be necessary to permit proper use of such contiguous lands, except that owners, homesteaders, lessees, or other lawful occupants of lands contiguous to or cornering on a tract applied for embracing 760 acres or less, shall have a preference right during a period of 90 days after such tract is offered for lease, to lease the whole of such tract upon the terms and conditions prescribed by the Secretary of the Interior.

(5) The application to lease should set forth as follows:

(a) Applicant's name and post-office address.

(b) A statement as to whether the applicant is a native-born or naturalized citizen of the United States, or has declared his intention to become a citizen. If naturalized, or a declarant, evidence thereof must be furnished.

(c) If the applicant is a corporation, a certified copy of the articles of incorporation must accompany the application, and if an association, a copy of the constitution and by-laws, and evidence of the citizenship of each member must be submitted.

(d) A description of the lands applied for must be furnished in terms of the legal subdivisions of the public land surveys, together with a statement as to whether the lands contain any springs or water holes, and whether the lands are occupied or used for any purpose and by whom.

(e) A description in terms of legal subdivisions of the public land surveys of the lands upon which a preference right to a lease is based, the nature of the claims thereto, and the dates initiated or acquired.

(f) A statement as to the number and kind of stock to be grazed upon the lands, seasons of contemplated use, and the manner in which the applicant plans to graze the lands applied for in connection with his general operations.

(g) A statement as to what previous use, if any, the applicant

has made of the lands applied for, and whether the lands have been used by any one else. If so, by whom, for what purpose, and to what extent.

(6) The filing of an application under this section in conformity with these regulations for an area of 3,840 acres or less will segregate the lands applied for from other disposition under the public land laws, subject to any prior valid adverse claim, except that at all times the mineral contents in the land shall be subject to prospecting, locating, developing, mining, entering, leasing, or patenting under the provisions of the applicable laws.

(7) The filing of an application for 3,840 acres or less will not segregate the land applied for from application by other applicants for grazing lease. Conflicting or junior applications will be received, noted, and disposed of in the same manner as senior or prior applications.

(8) If an application embraces an area in excess of 3,840 acres, the applicant may designate a tract or tracts in compact form and not to exceed 3,840 acres which he desires to be segregated by virtue of the application. If such a designation is made by the applicant, the land not so designated will not be segregated by the filing of the application but thereafter may be segregated by appropriate instructions upon a satisfactory showing that the inclusion of more than 3,840 acres in the lease is warranted.

(9) As the issuance of a lease is within the discretion of the Secretary of the Interior, the filing of an application for a lease will not in any way create any right in the applicant to a lease or to the exclusive use of the lands applied for, pending the execution of a lease by the Secretary of the Interior.

(10) Every applicant for a lease must pay to the Register of the district land office, at the time of filing an application, a fee of five dollars if his lease application is for 1,000 acres or less, and an additional five dollars for each additional 1,000 acres or fractional part thereof, which fee will be carried as unearned pending action on the application. If the application is rejected the fee will be returned. If a lease, based on the application, is offered the applicant, and he refuses to accept the same, the fee will be retained and earned, as a service charge.

(11) If a protestant against the issuance of a lease desires to lease all or part of the land embraced in the application against which a protest is filed, the protest should be accompanied by an application to lease.

II

ACTION ON APPLICATIONS

(12) Upon receipt of an application, the Register of the district land office will assign the current serial number thereto, note the same on his records, and if all is found to be regular, forward the original to this office, the duplicate to the Director of Grazing, and the triplicate to the Special Agent in Charge of the Division of Investigations for the division in which the lands are situated. The original, duplicate, and triplicate applications should be accompanied with a status report by the Register of all the lands applied for.

(13) The quadruplicate copy will be retained by the Register for his files. In case the application embraces land in two land districts, the quintuplicate copy will be forwarded to the appropriate land office for notation and for a serial number.

(14) The Register of the land office receiving the quintuplicate copy will furnish a report to this office, the Special Agent in Charge, and the Division of Grazing as to the status of the land in his district embraced in the application for lease. The balance of the administrative work up to the point of issuing the lease will be handled through the office in which the complete application was filed.

(15) Publication will be required in each case in which a senior applicant has not been required to publish notice of application to lease, for the same land or a part thereof, if no objection to the allowance of the application is shown by the land office records. Persons who have heretofore filed applications will be required by this office, in proper cases, to publish notice of such applications at the earliest possible date after the approval of these regulations. Persons hereafter filing applications will be required by the district land office, where there is such office, otherwise by this office, to publish notice of their applications at the earliest possible date after the filing thereof. Where a daily paper is designated as the medium of publication, the notice must be published in the Wednesday issue for four consecutive weeks; if weekly, in four consecutive issues, and if semiweekly, in either issue for four consecutive weeks. If the lands applied for are situated in two or more counties, publication must be had in some newspaper having a general circulation in both counties. A copy of the notice must be posted in the district land office during the entire period of publication. The notice must contain a description of the lands applied for and a statement to the effect that such lands are offered for lease, subject to objections thereafter appearing and that all persons having adverse or conflicting claims to such lands or desiring to lease all or any part thereof for grazing purposes under preference right or other applications must file notice of their claims, or proper applications, in the land office within a period of ninety days from date of the first publication of the notice. Such period will be regarded as the preference right period allowed by section 15 of the act for the filing of applications to lease isolated or disconnected tracts embracing 760 acres or less.

Each applicant will be required to pay for the publication of notice of his application. However, if a lease for all or any part of the land is awarded to an applicant on whose application publication was not required, such applicant, prior to the execution of the lease, will be required to furnish evidence to the effect that

he has reimbursed the applicant who paid the expense of publication for such cost, or a part thereof, to be determined as follows: Where part of the land is awarded to each of two applicants, each must pay one-half of the cost of publication; where the award is for part of the land to each of three applicants, each must pay one-third of the cost, etc., unless a more equitable division of the cost is directed by this office.

(16) The Director of Grazing will submit a report immediately to the Special Agent in Charge as to whether the lands are so situated as not to justify their inclusion in any grazing district to be established under the provisions of this act.

(17) As soon as possible after the expiration of the time allowed by the published notice for the filing of preference right applications, and upon clearance by the Division of Grazing, the Special Agent in Charge will have an investigation made and submit a report to this office as to the applicant's qualifications, the pertinent facts as to any and all conflicting applications especially as to those where the questions of preference rights are involved and it is necessary to determine the extent of the preference to permit the proper use of contiguous lands.

(18) The report of the Special Agent in Charge should also include a statement as to the carrying capacity of the lands applied for, the value of the lands for grazing purposes and the rental value of the lands, due regard being given to the number and kind of livestock to be grazed thereon.

(19) Upon termination of publication and upon expiration of the time specified in the published notice, the Register will forward to this office all protests or objections against the issuance of the lease, together with a statement showing the facts as to any and all conflicting applications for the lands involved. Proof of publication and posting of the notice in the district land office should also be forwarded.

III

ISSUANCE OF LEASES

(20) If upon receipt of an application and on consideration of the facts presented, it is decided by this office that the applicant is entitled to a lease for all of the lands applied for, a proposed lease will be prepared, in quadruplicate, and copies will be sent to the district land office for execution by the applicant. At the same time, protests will be denied and conflicting applications rejected, subject to the right of appeal to the Secretary of the Interior. If the proposed lease is properly executed and returned to this office, it will be transmitted, together with any appeals filed by the protestants or conflicting applicants, with appropriate recommendations, to the Secretary of the Interior for consideration. The same procedure will be followed where it is determined that more than one applicant is entitled to a lease and a division of the lands is necessary, except that such conflicting applicants will be afforded an opportunity to agree as to the division of such lands. If a satisfactory adjustment cannot be made by the parties interested, the award of a lease, or leases, will be determined by the Secretary of the Interior on the basis of all the facts presented.

(21) If approved by the Secretary of the Interior, the lease will be executed in triplicate. The original will be retained in this office; the duplicate original will be sent to the Comptroller General; and the triplicate original will be sent to the applicant through the district land office. The quadruplicate copy will be sent to the district land office.

IV

RENTAL

(22) Each lessee shall pay to the proper district land office, in advance, such annual rental as may be determined to be a fair compensation to be charged for the grazing of livestock on the leased land.

V

DURATION OF LEASES

(23) Leases will be issued in the discretion of the Secretary of the Interior for periods of not more than ten years each and when a lease expires it may be renewed, in the discretion of the Secretary of the Interior, if the applicant is then qualified as a lessee.

VI

USE OF LANDS

(24) After the issuance of a lease, the lessee may fence the land or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or erect other improvements for grazing and stock-raising purposes so long as such improvements do not impair the value of the lands. Upon the cancellation of a lease for any reason, or upon termination of a lease except when a renewal is requested, the lessee will be afforded a reasonable period to be determined by the Secretary of the Interior, for the removal of all structures that may have been erected by him, but if not removed or other disposition made within the period of time specified, such structure shall become the property of the United States.

VII

CAUSES FOR CANCELLATION

(25) A lease may be canceled by the Secretary of the Interior:

(a) If the lessee persistently overgrazes the lands or uses them in any manner which causes soil erosion, or for any purposes detrimental to the lands or the livestock industry.

(b) If the lessee uses the leased premises, or any part thereof, for any purpose foreign to grazing or in violation of any terms of the lease.

(c) If the lessee shall fail to pay the annual rental, or any part thereof.

(d) If the lessee shall fail to comply with any part of these regulations or the terms of the lease.

(e) If a preference right lessee fails to retain ownership or control of the lands tendered as a basis for such preference right.

Each lessee must accept as final any decision rendered by the Secretary of the Interior with reference to the violations of the terms of the lease, and, if required by the decision, must surrender the leased premises to the United States.

VIII

INSPECTION

(26) Representatives of the Secretary of the Interior shall at any time have the right to enter the leased premises for the purpose of inspection.

IX

ASSIGNMENT

(27) Proposed assignments of a lease, in whole or in part, must be submitted to the Secretary for approval, must be accompanied by the same showing by the assignee as is required of applicants for a lease, and must be supported by a showing that the assignee agrees to be bound by the provisions of the lease. No assignment will be recognized unless and until approved by the Secretary of the Interior.

(28) These regulations shall be considered to be a part of every grazing lease issued pursuant to the provisions of this Act.

(29) These instructions supersede the preliminary instructions of September 20, 1934, Circular No. 1336, and January 8, 1936, Circular No. 1375, as amended March 5, 1936, Circular No. 1379.

(30) Forms of application and lease are attached and made a part hereof.

Very respectfully,

FRED W. JOHNSON, *Commissioner*.

I concur:

JULIAN TERRETT,

Acting Director, Division of Grazing.

I concur:

B. B. SMITH,

Acting Director, Division of Investigations.

Approved, July 28, 1936.

T. A. WALTERS,

First Assistant Secretary.

[F. R. Doc. 1599—Filed, August 6, 1936; 9:25 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

P. R. S. O. No. 4, Revision 2

Issued August 4, 1936

[Puerto Rico Sugar Order No. 4, Revision 2]

ALLOTMENT OF THE QUOTA FOR PUERTO RICO

By virtue of the authority vested in the Secretary of Agriculture by Public Resolution No. 109, 74th Congress, approved June 19, 1936, and by Section 8a of the Agricultural Adjustment Act, approved May 12, 1933 (hereinafter called the "act"), as amended, I, H. A. Wallace, Secretary of Agriculture, do hereby make, issue, publish, and give public notice of this order (constituting a revision of and superseding Puerto Rico Sugar Order No. 4, Revision 1), which shall have the force and effect of law and shall continue in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

I

Whereas, General Sugar Quota Regulations, Series 3, Revision 2, establishes for Puerto Rico a quota of 882,084 short tons of sugar, raw value, and forbids processors, persons engaged in the handling of sugar, and others, during the calendar year 1936 from importing into continental United States for consumption, or which shall be consumed therein, and/or from transporting to, or receiving in, continental

United States for consumption therein, and/or from processing in any area to which the act has been made applicable, any sugar from Puerto Rico in excess of such quota, and

Whereas, I hereby find that, as of the end of the 1935/1936 crop, total surplus stocks in excess of the allotments heretofore issued amount to 166,618 tons of sugar, raw value, and

Whereas, I hereby find that unless the marketing of sugar from Puerto Rico is regulated, the aforesaid surplus stocks of sugar together with the allotments heretofore issued will be in excess of the quota established for Puerto Rico for consumption in continental United States as aforesaid, and of the estimated market demand during the calendar year 1936 for sugar for consumption outside of the continental United States.

II

Now, therefore, upon the basis of the foregoing findings and pursuant to the foregoing authority, it is hereby ordered:

1. That the revised quota of 882,084 short tons of sugar, raw value, shall be allotted to the following processors in the amounts which appear opposite their respective names:

Name of processor	Allotment from processing	Allotment from surplus stocks	Marketing allotment
(1) Aquirre.....	98,881	8,697	107,578
(2) Cambalache.....	35,289	1,979	37,268
(3) Canovanas.....	30,713	2,391	33,104
(4) Carmen.....	14,342	867	15,209
(5) Coloso.....	32,742	1,602	34,344
(6) Constancia Toa.....	20,263	763	21,031
(7) El Ejemplo.....	12,503	847	13,350
(8) Eureka.....	10,002	49	10,050
(9) Fajardo.....	59,944	4,616	64,560
(10) Guanani.....	11,322	627	11,949
(11) Guanica.....	94,269	8,181	102,450
(12) Herminia.....	1,806	-----	1,806
(13) Igualdad.....	11,703	234	11,937
(14) Juanita.....	13,840	262	14,102
(15) Lafayette.....	20,322	1,957	22,279
(16) Plazuela-Los Canos.....	36,041	1,174	37,215
(17) Monserrate.....	11,846	332	12,178
(18) Pellejas.....	1,371	-----	1,371
(19) Plata.....	10,336	110	10,446
(20) Playa Grande.....	7,953	162	8,115
(21) Rochelaia.....	8,630	655	9,285
(22) Roig.....	26,830	1,770	28,600
(23) Rufina.....	27,009	2,232	29,241
(24) San Vicente.....	20,827	1,438	22,265
(25) Santa Barbara.....	2,610	107	2,717
(26) Soller.....	5,233	63	5,296
(27) Vannina.....	13,642	617	14,259
(28) Victoria.....	16,325	824	17,149
(29) Eas. Sug. Assoc.....	83,696	0,145	83,841
(30) San Francisco.....	5,784	337	6,121
(31) Caribe.....	6,003	274	6,277
(32) Constancia Ponce.....	8,264	233	8,497
(33) Mercedita.....	33,014	1,700	34,714
(34) Boca Chica.....	14,685	1,304	15,989
Total.....	826,656	55,423	882,084

2. That during the calendar year 1936 the above named processors are hereby forbidden from importing into continental United States for consumption, or which shall be consumed therein, any sugar from Puerto Rico in excess of the marketing allotments set forth in paragraph one hereof.

3. That allotments fixed herein shall not be assigned or transferred without the approval of the Secretary or his duly appointed agent.

4. That where surplus stocks of sugar have been processed from growers' surplus sugarcane, and settlement with growers has been made in terms of sugar, such growers' surplus sugar shall share in the allotment herein made to the processor on a pro rata basis.

5. That whenever any person is aggrieved because of any allotment made to him, or to any other person, or because he has received no allotment, or because of any provision herein, he may make application in writing under oath to the Secretary for the adjustment of any allotment, or for the issuance of an allotment, or for the modification of any provision herein, which application shall fully set forth his complaint and the facts in support thereof. If upon the basis of such application, the Secretary has reason to believe that the complaint is well-founded, he shall give due notice and opportunity for interested persons to be heard on such application. Upon the basis of the record obtained at such

hearing, the Secretary may grant or deny, in whole or in part, said application.

If any provision herein is declared invalid, in whole or in part, the validity of the remaining provisions shall not be affected thereby, and if any provision is declared inapplicable to any person or circumstance, the applicability of such provision to any other person or circumstance shall not be affected thereby.

The Secretary may by designation in writing name any person, including any officer or employee of the government or any bureau, or division in the Department of Agriculture, to act as his agent or agencies in exercising any power herein vested in him.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 4th day of August 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 1576—Filed, August 5, 1936; 12:04 p. m.]

ORDER REGULATING THE HANDLING OF FRESH PEAS AND CAULIFLOWER GROWN IN THE COUNTIES OF ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, CUSTER, AND EAGLE, IN THE STATE OF COLORADO

Whereas, it is provided in section 8c of the Agricultural Adjustment Act, approved May 12, 1933, as amended (hereinafter called the act), as follows:

(1) The Secretary of Agriculture shall, subject to the provisions of this section, issue, and from time to time amend, orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of this section. Such persons are referred to in this title as "handlers." Such orders shall regulate, in the manner hereinafter in this section provided, only such handling of such agricultural commodity, or product thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof.

Whereas, the Secretary of Agriculture, having reason to believe that the issuance of an order would tend to establish and maintain such marketing conditions for fresh peas and cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, Custer, and Eagle in the State of Colorado, as would reestablish prices to growers at a level that will give such commodities a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodities in the base period, did, pursuant to the provisions of the act and the regulations thereunder, on the 27th day of November 1935, give notice of a hearing to be held on the 12th day of December 1935, at Alamosa, Colorado, on a proposed order regulating the handling of fresh peas and cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, Custer, and Eagle, in the State of Colorado, and did, upon said date and at said place, cause a public hearing to be held thereon, and did give due opportunity to all interested parties to be heard concerning such proposed hearing; and

Whereas, the Secretary of Agriculture has found and proclaimed that the purchasing power of such peas and cauliflower during the base period August 1909-July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power for such peas can be satisfactorily determined from available statistics of the Department of Agriculture for the period 1922-1928, and the purchasing power for such cauliflower can be satisfactorily determined from available statistics of the Department of Agriculture for the period 1923-1928; and

Whereas, the Secretary has declared and proclaimed the period 1922-1928 to be the base period with respect to such peas, and the period 1923-1928 to be the base period with respect to such cauliflower, and

Whereas, the Secretary of Agriculture finds upon evidence introduced at the said hearing and the record thereof:

(1) That a large part of the annual shipments of peas and cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, Custer, and Eagle, in the State of Colorado, enter into the current of interstate commerce;

(2) That prices received by growers in 1933, 1934, and 1935 were substantially below the level necessary to give such peas and cauliflower a purchasing power with respect to articles that farmers buy equivalent to the average purchasing power of such peas and cauliflower during their respective base periods;

(3) That the regulation of shipments of peas and cauliflower by grades and by sizes, and by other means prescribed by this order, will tend to prevent market fluctuations in prices of peas and cauliflower, particularly those fluctuations which result in prices so low as to represent losses to growers, and will therefore establish and maintain a more stable market for such commodities, and tend to restore prices to growers of peas and cauliflower to a level that will have a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of peas and cauliflower in the base period;

(4) That the methods provided for the regulation of shipments are fair and equitable;

(5) That this order is limited in its application to the smallest regional production area that is practicable, and that the issuance of several orders applicable to any subdivision of the regional area covered by this order would not effectively carry out the declared policy of title I of the act with respect to establishing and maintaining such marketing conditions for peas and cauliflower as will reestablish prices to growers that will give such commodities a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodities in their respective base periods;

(6) That the expenses which will necessarily be incurred by the Control Committee during the season of 1936, for the maintenance and functioning of said Committee will be approximately Four Thousand Dollars (\$4,000); that such expenses are fair and reasonable; and that the pro rata share thereof of each handler in the amount of (a) one-half cent per bushel hamper, or its equivalent for peas and, (b) one-half cent per crate (8½ inches by 18 inches by 23¼ inches), or its equivalent for cauliflower, shipped by each handler in interstate or foreign commerce, is fair and reasonable, and is approved;

(7) That the interest of the consumer is protected by reason of the fact that the order is designed to operate so as to approach the level of prices which it is declared to be the policy of Congress to establish, by securing a gradual correction of the current level of prices at as rapid a rate as the Secretary of Agriculture deems to be in the public interest and feasible in view of the current consumptive demand in the domestic and foreign markets, and by reason of the fact that the order authorizes no action which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish, in subsection (1) of section 2 of said title I;

(8) That the issuance of this order and all of the terms and conditions thereof will tend to establish and maintain such marketing conditions for peas and cauliflower as will reestablish prices to growers at a level that will give such commodities a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodities in their respective base periods; and

(9) That there are no differences in the production and marketing of said commodities in the production area included under this order that make necessary different terms applicable to different parts of such area; and

Whereas, the Secretary of Agriculture finds:

(1) The marketing agreement regulating the handling of peas and cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, Custer, and Eagle, in the State of Colorado, executed by him on the 4th day of August 1936

and upon which a public hearing was held on December 12 and 13, 1935, was signed by handlers who handled more than 50 percent of the volume of such commodities produced annually; and

(2) That this order regulates the handling of peas and cauliflower in the same manner as does the said marketing agreement, and is made applicable only to persons in the respective classes of industrial and commercial activities specified in the aforesaid marketing agreement; and

Whereas, the Secretary of Agriculture finds and determines that the issuance of this order is favored by producers who, during the marketing season of 1935, which the Secretary determines to be a representative period, produced for market at least two-thirds ($\frac{2}{3}$) of the volume of such commodities produced for market within the production area specified in such order;

Now, therefore, it is ordered by the Secretary of Agriculture, acting under the authority vested in him as aforesaid, that the handling of said peas and cauliflower in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodities, from and after the date herein specified, shall be in conformity to and in compliance with the terms and conditions of this order.

ARTICLE I—DEFINITIONS

SECTION 1. Definitions.—As used in this order:

1. "Secretary" means the Secretary of Agriculture of the United States.
2. "Act" means the Agricultural Adjustment Act, approved May 12, 1933, as amended.
3. "Person" means individual, partnership, corporation, association, or any other business unit.
4. "Peas" means all varieties of peas grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, Custer, and Eagle in the State of Colorado, for sale for consumption in fresh form.
5. "Cauliflower" means all varieties of cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, Custer, and Eagle in the State of Colorado, for sale for consumption in fresh form.
6. "To ship" means to convey or cause to be conveyed, by any means whatsoever, except as a common carrier for another person, in the current of interstate or foreign commerce, or so as to directly burden, obstruct, or affect such commerce.
7. "To handle" means to ship, or in any way deal in peas or cauliflower, whether as owner, agent, or otherwise, in the current of interstate or foreign commerce, or so as to directly burden, obstruct, or affect such commerce.
8. "Handler" means and includes any person, whether or not such person is also a grower, engaged wholly or in part in the business of handling peas or cauliflower.
9. "Grower" means any person who grows peas or cauliflower for shipment in fresh form.
10. "Control Committee" means the Control Committee established pursuant to article II hereof.
11. "District" means a subdivision of the area covered by this order. The particular districts are delimited as follows:

- (a) The San Luis Valley District—consisting of the counties of Alamosa, Rio Grande, Conejos, and Costilla;
- (b) Wet Mountain Valley District—consisting of the county of Custer; and
- (c) Eagle Valley District—consisting of the county of Eagle.

ARTICLE II—CONTROL COMMITTEE

SECTION 1. *Membership.*—A Control Committee is hereby established consisting of ten (10) members. The initial members and their respective alternates shall be as follows:

To represent handlers:

- (a) Elmer Hartner, Denver, as member; Donald Shumate, Fort Garland, as alternate;
- (b) Wm. L. Thompson, Fort Garland, as member; W. G. Erichson, Monte Vista, as alternate; and

(c) C. E. Gylling, Alamosa, as member; C. S. Birkins, Romeo, as alternate.

To represent pea growers:

- (a) G. C. Morris, La Jara, as member; John Gredig, Del Norte, as alternate, to represent the San Luis Valley District;
- (b) John W. Shawcroft, La Jara, as member; M. Shronshima, Jaroso, as alternate, to represent the San Luis Valley District;

(c) C. A. Kelso, Howard, as member; Wm. Hoge, Hillside, as alternate, to represent the Wet Mountain Valley District; and

(d) G. A. Smith, Avon, as member; W. A. Cole, Avon, as alternate, to represent the Eagle Valley District.

To represent Cauliflower growers:

- (a) J. J. Shecter, Alamosa, as member; John Bolm, Blanca, as alternate;
- (b) Frank Peterson, San Acacio, as member; G. Orlingdolph, Mesita, as alternate; and
- (c) Frank E. Yoshida, La Jara, as member; Y. Uyeda, San Acacio, as alternate.

The members and alternates named in this paragraph shall hold office for a term ending April 30, 1938, and until their successors are selected and shall qualify.

2. The successors to the above-named members of the Control Committee and their respective alternates shall be selected by the Secretary from nominations made by handlers and from nominations made by growers as herein-after provided. Two (2) persons shall be nominated for each member and two (2) persons shall be nominated for the alternate of each such member. From nominations made for each member and for each alternate, the Secretary shall select a member and his alternate, respectively.

3. Nominations for successors to the three (3) members and three (3) alternates to represent handlers shall be by an election in which each handler shall be entitled to participate and cast but one vote on behalf of himself, agents, partners, affiliates, subsidiaries, and representatives, for each nominee to be selected. Nominations for successors to the seven (7) members and the seven (7) alternates to represent growers shall be made as follows: (a) for two (2) members and their respective alternates, by the growers of peas in the San Luis Valley District; (b) for one (1) member and his alternate, by the growers of peas in the Wet Mountain Valley District; (c) for one (1) member and his alternate, by the growers of peas in the Eagle Valley District; and (d) for three (3) members and their respective alternates, by the growers of cauliflower in the San Luis Valley District. All such nominations for grower members and their respective alternates shall be by a general election in each of the districts, in which each grower entitled to participate may cast but one vote on behalf of himself, agents, partners, affiliates, subsidiaries, and representatives for each nominee to be selected.

SEC. 2. *Failure to Select Nominees.*—In the event nominations are not made pursuant to section 1 of this article by April 30 of any year, the Secretary may select such member or alternate without regard to nominations.

SEC. 3. *Term of Office.*—Members of the Control Committee and their respective alternates, subsequent to the members and alternates named in section 1, shall be selected annually for a term of one year, beginning the first day of May, and shall serve until their respective successors shall be selected and shall qualify. Any person selected as a member or alternate of the Control Committee shall qualify by filing a written acceptance of his appointment with the Secretary or with his designated representative.

SEC. 4. *Vacancies.*—To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member of the Control Committee or any alternate, a successor for his unexpired term shall be selected in the manner indicated in section 1 of this article, within twenty (20) days after such vacancy occurs. If a nomination to fill such vacancy is not made within twenty (20) days, the Secretary may select a member to fill such vacancy without regard to nominations.

SEC. 5. Organization.—The Control Committee shall select such officers and adopt such rules for the conduct of its business as it may deem advisable. The Control Committee shall give the Secretary or his designated agent and representatives the same notice of meetings of the Committee as is given to members thereof.

SEC. 6. Inability of Members to Serve.—An alternate for a member of the Control Committee shall act in the place and stead of such member (a) in his absence, or (b) in the event of his removal, resignation, disqualification, or death until a successor for his unexpired term has been selected.

SEC. 7. Powers of Control Committee.—The Control Committee shall have the following powers:

1. To administer, as hereinafter specifically provided, the terms and provisions of this order;
2. To make, in accordance with the provisions hereinafter contained, administrative rules and regulations;
3. To receive, investigate, and report to the Secretary of Agriculture complaints of violations of this order; and
4. To recommend to the Secretary of Agriculture amendments to this order.

SEC. 8. Duties of Control Committee.—The Control Committee shall have the following duties:

1. To act as intermediary between the Secretary and any grower or handler;
2. To keep minute books and records which will clearly reflect all of its acts and transactions, which minute books and records shall at any time be subject to the examination of the Secretary;
3. To furnish to the Secretary such available information as he may request;
4. To appoint such employees as it may deem necessary, and to determine the salaries and define the duties of any such employees;
5. To perform such duties in connection with the administration of section 32 of the Act to amend the Agricultural Adjustment Act, and for other purposes, Public, No. 320, approved by the President August 24, 1935, as amended, as may from time to time be assigned to it by the Secretary; and
6. To confer with representatives of handlers or growers of peas or cauliflower grown in other areas with respect to the formulation or operation of marketing agreements providing for the regulation of shipments among the several areas where peas or cauliflower are grown.

SEC. 9. Procedure.—1. Any decision of the Control Committee, with respect to peas, shall be by a majority vote of the members representing handlers and members representing pea growers, and with respect to cauliflower, by a majority vote of the members representing handlers and members representing cauliflower growers. Any decision with respect to both peas and cauliflower shall be by a majority vote of its entire membership.

2. The provisions of this section shall not affect or supersede any other provision of this order requiring a minimum vote with respect to specified action to be taken by the Control Committee.

3. The Control Committee may provide for voting by mail or telegraph, or by telephone, if such vote by telephone is immediately confirmed by a telegram or in writing.

4. The members of the Control Committee and any agent or employee appointed or employed by such committee shall be subject to removal or suspension by the Secretary at any time. Each action of the Control Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time and upon such disapproval shall be null and void except as to acts done in reliance thereon or in compliance therewith.

SEC. 10. Funds.—All funds received by the Control Committee pursuant to any provision of this order shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

1. The Secretary may require the Control Committee and its members to account for all receipts and disbursements; and
2. Upon the death, resignation, removal, or expiration of the term of office of any member of the Control Com-

mittee, all books, records, funds, and other property in his possession shall be delivered to the Control Committee or to his successor in office, and such assignments and other instruments shall be executed as may be necessary to vest in the Control Committee or his successor full title to all the book, records, funds, and other property in his possession or under his control.

SEC. 11. Expenses of Control Committee Members.—Members of the Control Committee shall serve without compensation but shall be entitled to expenses necessarily incurred in the performance of their duties hereunder.

ARTICLE III—REGULATION OF RAILROAD SHIPMENTS

SECTION 1. Recommendation of the Control Committee.—When the Control Committee deems it advisable that daily railroad shipments of peas or cauliflower be regulated during any specified period, it may recommend to the Secretary the establishment of such a regulation. In making such recommendation, it shall give consideration to the supply of and demand for peas or cauliflower to be regulated. With its recommendation, the Control Committee shall forward (a) an estimate of the daily shipments during the contemplated regulation period, if no regulation were in effect, (b) the quantity deemed advisable to be shipped daily, and (c) other information which it considered in making such recommendation.

The Control Committee shall, immediately following such recommendation, advise all handlers of the recommended regulation period and the contemplated commencement thereof, and shall instruct them to make reports as required pursuant to section 3 of this article.

SEC. 2. Establishment of Regulation Periods.—Based upon the recommendation of the Control Committee, and information furnished by it, or upon any other information, the Secretary may regulate the daily railroad shipments of peas or cauliflower for a specified period in the manner hereinafter prescribed.

Notice of the establishment of such a regulation period, the dates of the commencement and termination thereof, and the daily advisable shipments determined pursuant to section 6 hereof, shall be given by the Secretary to the Control Committee by telegraph or in any other manner which he deems sufficient.

SEC. 3. Reports from Handlers.—Each handler desiring to ship peas or cauliflower on any day during the regulation period shall report to the Control Committee on the day prior to any such day (1) the quantity of peas or cauliflower loaded in cars that day, and (2) the quantity of peas or cauliflower loaded in cars which remained unshipped the previous day.

SEC. 4. Revision of Reports.—The Control Committee may check the accuracy of any report filed pursuant to this article and verify the same in such manner as it may determine and on the basis of its findings may revise any such report.

SEC. 5. Available for Shipment.—After such reports have been verified or revised the Control Committee shall determine for each and all handlers the quantity of peas or cauliflower available for shipment on the day prior to each day for which shipments are to be regulated. The quantity of peas or cauliflower "available for shipment" for a particular day shall equal the verified or corrected quantity loaded in cars that day, plus the verified or corrected quantity loaded in cars which remained unshipped the previous day, plus any overshipments (not considered a violation of this order) and less any undershipments relative to the allotment for such previous day.

SEC. 6. Advisable for Shipment.—From information furnished by the Control Committee or from other information, the Secretary shall determine the quantity of peas or cauliflower which is deemed advisable to be shipped daily during such regulation period.

SEC. 7. Allotment Percentage.—The allotment percentage for any day during such regulation period shall be the result obtained by dividing the quantity which is deemed advisable to be shipped on that day by the total quantity available for shipment by all handlers the day prior thereto:

Provided, however, That the allotment percentage for any Monday shall be the result obtained by dividing the quantity which is deemed advisable to be shipped that day by the total quantity which was available for shipment by all handlers the previous Saturday.

Sec. 8. *Allotments.*—The allotment for each handler on any day shall be the product of the quantity he had available for shipment on the day prior thereto, and the allotment percentage for that day, determined pursuant to section 7 hereof: *Provided, however,* That the quantity such handler had available for shipment on the previous Saturday shall be used in determining his allotment for any Monday. No handler shall ship in excess of his allotment, except as otherwise provided herein. Shipment of less than one car over his allotment by any handler shall not be a violation of this order, if such handler advises the Control Committee of such overshipment within twenty-four (24) hours. Such handler's allotment for the next day shall be reduced by the amount of such overshipment. If any handler ships less than his allotment for any day, his allotment for the day next succeeding his report of the same to the Control Committee shall be increased by the amount of such undershipment.

Sec. 9. *Control Committee's Report to Handlers.*—The Control Committee using the formula herein set forth, shall calculate, by noon of each day during a regulation period, the amount of each handler's daily allotment and advise him thereof, together with the total quantity available for shipment by all handlers the day prior thereto.

Sec. 10. *Transfer of Allotments.*—Any handler may transfer his allotment in whole or in part, provided that such transfer is immediately reported to the Control Committee. The amount of such transfer shall be deducted from the allotment of the transferor and added to the allotment of the transferee.

Sec. 11. *Modification of Daily Shipments.*—If the Control Committee determines that the quantity which is deemed advisable for shipment daily during any regulation period, determined pursuant to section 6 hereof, be changed by reason of changes in supply and demand conditions, it shall so recommend to the Secretary. Based upon such recommendation or other information, the Secretary may modify his prior determination of the quantity which is deemed advisable for shipment daily. The Secretary shall notify the Control Committee of such change. Based upon the recommendation of the Control Committee or other information, the Secretary may terminate any regulation period by giving twelve hours' notice thereof to the Control Committee.

Sec. 12. *Equitable Shipments.*—During any regulation period established pursuant to this article, each handler shall ship peas or cauliflower for growers in an equitable manner so as to assure each grower equal opportunity to have his peas or cauliflower marketed.

Sec. 13. *Prohibition of Loading.*—When the Control Committee finds that the total quantity which will be available for shipment the following day will exceed three (3) times the quantity advisable for shipment such following day, it may recommend to the Secretary that handlers be prohibited from loading peas or cauliflower for shipment in interstate or foreign commerce, or so as to directly burden, obstruct, or affect such commerce, during a period not to exceed forty-eight (48) hours. Any such recommendation with respect to peas shall be by the affirmative vote of at least five (5) of the handler members and members representing growers of peas. The Control Committee shall immediately give notice to the handlers of such recommendation and of the contemplated commencement of such period. Based upon such recommendation or upon any other information, the Secretary may prohibit the loading of peas or cauliflower for shipment in interstate or foreign commerce, or so as to directly burden, obstruct, or affect such commerce, for a period not to exceed forty-eight (48) hours: *Provided, however,* That there shall elapse not less than three (3) days between the last day of one period and the first day of the next succeeding period.

ARTICLE IV—REGULATION BY GRADES AND SIZES

SECTION 1. *Recommendation of the Control Committee.*—Whenever the Control Committee deems it advisable to regulate the shipment of any grade or size of peas or cauliflower produced in a specified period, it may so recommend to the Secretary. The Control Committee shall furnish the Secretary all pertinent data and information upon which it acted in making such recommendation, which shall include factors affecting the supply of and demand for peas or cauliflower by grades or sizes thereof.

Sec. 2. *Regulation of Shipments.*—1. Based upon such recommendation and information furnished by the Control Committee, or upon other information, the Secretary may regulate the quantity of any grade or size of peas or cauliflower produced in a specified period, which may be shipped during any period. Such regulation of shipments may be accomplished by (a) prohibiting the shipment of certain grades or sizes of peas or cauliflower during such period, or (b) by prohibiting the shipment of a part of any grade or size of peas or cauliflower.

2. When the Secretary determines to regulate shipments as provided herein, he shall immediately notify the Control Committee of such determination and the date of the commencement of such regulation period, by telegraph or by any other means which he deems advisable. The Control Committee shall immediately give notice to handlers of (a) the institution of such regulation period, and (b) the grades or sizes, or the portions thereof, which are prohibited from shipment.

Sec. 3. *Exemptions.*—1. In the event a regulation period is established on peas or cauliflower pursuant to this article, the Control Committee shall determine the percentage which the grades and sizes of the crop permitted to be shipped is of the total crop which could be shipped in the absence of regulation under this article. The Control Committee shall forthwith announce this percentage and the procedure by which exemption certificates will be issued to growers pursuant to this section.

2. If any grower of peas or cauliflower shall show to the Control Committee that the regulation of shipments will allow him to ship during the period a percentage of his crop less than the percentage found in accordance with paragraph 1 of this section, the Control Committee shall issue to him an exemption certificate allowing the shipment of such a quantity of the limited grade or size as will make the percentage of his crop that may be shipped equal to the percentage found in accordance with paragraph 1 of this section.

3. If any grower is dissatisfied with the determination by the Control Committee with respect to such exemption certificate, he may appeal to the Secretary.

Sec. 4. *Charitable Purposes.*—The provisions of this order with respect to regulation of shipments and to assessments shall not apply to peas or cauliflower shipped for charitable purposes.

ARTICLE V—GRADING AND INSPECTION

SECTION 1. *Grading and Certification.*—1. All shipments of peas or cauliflower shall be graded and certified on the basis of the grades now promulgated by the United States Department of Agriculture, or as the same may be modified or changed hereafter.

2. Each handler shall utilize the standard Federal-State inspection service and pay the cost of same. Each shipment, in whatever quantity, shall be accompanied by a standard inspection certificate or official memorandum thereof indicating its conformity to the said grades.

ARTICLE VI—ASSESSMENTS

SECTION 1. *Expenses and Assessments.*—1. The Control Committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out its functions under this order. The funds to cover such expenses shall be acquired by the levying of assessments as hereinafter provided.

2. Each handler shall pay to the Control Committee upon demand his pro rata share, as is approved by the Secretary,

of the expenses in the amount of Four thousand dollars (\$4,000) or expenses in such other amount as the Secretary may later find will necessarily be incurred by said Committee, during the marketing season, May 1, 1936, to April 30, 1937, for the maintenance and functioning of said Committee, during said season, as set forth in this order. Each handler's share of such expenses shall be that proportion thereof which the total quantity of peas or cauliflower shipped by such handler during said season is of the total quantity of peas or cauliflower shipped by all handlers during said season. The initial assessment of each handler shall be (a) one-half cent per bushel hamper, or its equivalent, for peas, and (b) one-half cent per crate (8½ inches by 18 inches by 23¼ inches), or its equivalent, for cauliflower, shipped by such handler, and said assessment shall be adjusted, from time to time, by the Control Committee, with the approval of the Secretary, in order to provide funds sufficient in amount to cover any later finding by the Secretary of estimated expenses or the actual expenses of the Control Committee during said season. The assessments of each handler for any season shall be due at such time and shall be payable in such installments, if any, as the Control Committee shall determine.

3. For seasons subsequent to the season of 1936, each handler shall pay to the Control Committee upon demand such handler's pro rata share, as is approved by the Secretary, of such expenses as the Secretary may find will necessarily be incurred by the Control Committee for the maintenance and functioning of the said Committee as set forth in this order.

4. In order to provide funds to carry out the functions of the said Committee prior to the commencement of shipments in any season, handlers may make advance payments of assessments, which advance payments shall be credited to such handlers, and the assessments of such handlers shall be adjusted so that such assessments are based upon the quantity of peas or cauliflower shipped by such handlers during such season.

5. On or before the end of each calendar year, the Control Committee shall credit each contributing handler with the excess of the amount paid by such handler above his pro rata share of the expenses, or debit such handler with the difference between his pro rata share and the amount paid by such handler. Any such debits shall become due and payable upon the demand of the Control Committee.

6. From funds acquired pursuant to this article, the Control Committee shall pay the salaries of the employees of the Control Committee, if any, and the expenses necessarily incurred in the maintenance and functioning of said Committee in the performance of its duties under this order.

ARTICLE VII—REPORT

SECTION 1. *Reports.*—Upon the request of the Control Committee, in accordance with forms of reports approved by the Secretary, each handler shall furnish the Control Committee, in such manner and at such times as it prescribes, such information as will enable it to perform its duties under this order.

ARTICLE VIII—LIABILITY OF CONTROL COMMITTEE MEMBERS

SECTION 1. *Liability.*—No member of the Control Committee nor any employee thereof shall be held responsible individually in any way whatsoever to any handler or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or employee, except for acts of dishonesty.

ARTICLE IX—SEPARABILITY

SECTION 1. *Separability.*—If any provision of this order is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this order or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

ARTICLE X—DEROGATION

SECTION 1. *Derogation.*—Nothing contained in this order is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (1) to

exercise any powers granted by the act or otherwise, or (2) in accordance with such powers to act in the premises whenever such action is deemed advisable.

ARTICLE XI—AMENDMENTS

SECTION 1. *Proposals.*—Amendments to this order may from time to time be proposed by the Control Committee.

ARTICLE XII—DURATION OF IMMUNITIES

SECTION 1. *Duration of Immunities.*—The benefits, privileges, and immunities conferred by virtue of this order shall cease upon its termination except with respect to acts done under and during the existence of this order, and benefits, privileges, and immunities conferred by this order upon any person shall cease upon its termination as to such person except with respect to acts done under and during the existence of this order.

ARTICLE XIII—AGENTS

SECTION 1. *Agents.*—The Secretary may by a designation in writing name any person, including any officer or employee of the Government, or any bureau or division in the Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this order.

ARTICLE XIV—EFFECTIVE TIME AND TERMINATION

SECTION 1. *Effective Time.*—1. This order shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

2. The Secretary shall terminate or suspend the operation of this order, or of any provision thereof, whenever he finds that said order, or such provision thereof, obstructs or does not tend to effectuate the declared policy of the act.

3. The Secretary shall terminate this order with respect to peas or cauliflower at the end of any marketing season whenever he finds that such termination is favored by a majority of the growers of peas or cauliflower, respectively, who during such marketing season, have been engaged in the production for market of peas or cauliflower in the area covered by this order: *Provided*, That such majority have during such season produced more than fifty (50) percent of the volume of such peas or cauliflower produced within the area, but such termination shall be effective only if notice thereof is given on or before April 30 of such marketing season. As used in this article, "marketing season" means the twelve (12) months' period between May 1 of any year and April 30 of the next succeeding year.

4. This order shall in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 3. *Proceedings after termination.*—1. Upon the termination of this order, the members of the Control Committee then functioning shall continue as joint trustees of all funds and property then in the possession or under the control of the Control Committee, including claims for any funds unpaid or property not delivered at the time of such termination, for the purpose of liquidating all matters with respect to this order. Said trustees (a) shall continue in such capacity until discharged by the Secretary; (b) shall from time to time account for all receipts and disbursements and deliver all funds and property on hand, together with all books and records of the Control Committee and the joint trustees, to such person as the Secretary shall direct; (c) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all of the funds and claims vested in the Control Committee or the joint trustees pursuant to this order; and (d) shall refund to each contributing handler the excess of the amount paid by such handler above his pro rata share of expenses, or debit each handler with the difference between his pro rata share and the amount paid by any such handler, if such amount is less than his pro rata share. Any such debit shall become due and payable upon the demand of the said trustees. Nothing stated herein shall be deemed to preclude the bringing of a suit for assessments levied by the Control Committee at any time prior to the termination of this order.

2. Any person to whom funds, property, or claims have been delivered by the Control Committee or its members upon direction of the Secretary, as herein provided, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are hereinabove imposed upon the members of said committee or upon said joint trustees.

In witness whereof, the Secretary of Agriculture does hereby execute in duplicate and issue this order and cause the official seal of the Department of Agriculture to be affixed hereto, in the city of Washington, District of Columbia, on this 4th day of August 1936, and pursuant to the provisions hereof, declares this order to be effective on and after 12:01 a. m., Eastern Standard Time, August 9, 1936.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 1575.—Filed, August 5, 1936; 12:04 p. m.]

NOR—B-1-E

1936 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION.

BULLETIN NO. 4-E

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, North Central Region Bulletin No. 1, Revised, as amended by North Central Region Bulletins Nos. 1A, 1B, 1C, and 1D, is hereby amended as follows:

PART I. Definitions.—The third sentence of the definition of soil building allowance is amended to read as follows:

For the purpose of computing this allowance and for this purpose only the acreage of soil conserving crops shall include the number of acres devoted to winter cover crops or green manure crops, seeded following vegetable crops (including potatoes and sweet potatoes), bulbs or flowers, and incorporated into the soil as green manure by plowing or discing between January 1, 1936, and October 1, 1936, after having attained at least two months' growth, irrespective of what other crops are planted on such acres in 1936.

PART I. Definitions. is further amended by the addition of the following definitions:

Computed 1935 General Acreage means the total number of acres planted to all soil depleting crops for harvest in 1935, minus the sum of any cotton, tobacco, sugar beets, and flax soil depleting bases.

1936 General Acreage means the total acreage of soil depleting crops on the farm in 1936, less the sum of any 1936 acreage of cotton, tobacco, sugar beets, and flax.

Maximum General Soil Conserving Payment means the largest amount which may be earned for diversion of acreage from crops in the general soil depleting base. Such amount shall be computed by multiplying the rate for diversion of acreage from crops in the general soil depleting base by the number of acres equal to 15 percent of such base.

Maximum Cotton Soil Conserving Payment means the largest amount which may be earned for diversion of acreage in the cotton soil depleting base. Such amount shall be computed by multiplying the rate for diversion of acreage from the cotton soil depleting base by the number of acres equal to 35 percent of such base except that if such base is 5.7 acres or less such amount shall be computed by multiplying such rate by two acres, or by such base, whichever is less.

Maximum Tobacco Soil Conserving Payment means the largest amount which may be earned for diversion of acreage in the Burley, dark air-cured, cigar leaf, or Eastern Ohio Export tobacco soil depleting base, as the case may be. Such amount shall be computed for each tobacco soil depleting base by multiplying the rate for diversion of acreage in such base by the number of acres equal to 30 percent of such base.

PART I. Definitions.—The definitions of sugar beet, soil depleting base and flax soil depleting base are amended to read as follows:

Sugar Beet Soil Depleting Base means the number of acres of sugar beets planted on the farm in 1936 not in excess of the total soil depleting base, less the sum of any cotton and tobacco soil depleting bases, except that any acreage on a farm planted to sugar beets and subsequently planted to a different soil depleting crop for harvest in 1936 other than a crop for emergency forage purposes planted after June 30, 1936, shall not constitute part of the sugar beet soil depleting base.

Flax Soil Depleting Base means the number of acres of flax planted on the farm in 1936 not in excess of the total soil depleting base, less the sum of any cotton, tobacco, and sugar beet soil depleting bases, except that any acreage on a farm planted to flax and subsequently planted to a different soil depleting crop for harvest in 1936 other than a crop for emergency forage purposes planted after June 30, 1936, shall not constitute part of the flax soil depleting base.

PART II. Rates and Conditions of Payment.—Section 2 is amended to read as follows:

Section 2. Soil Conserving Payment.—Payment will be made for the diversion in 1936 from the production of soil depleting crops, provided that changes in the use of such acreage which involve the destruction of foods, fibre, or feed grains, will not be approved for payment. The rates and the manner of computing such payment are as follows:

(a) **Rates and Payments for Diversion from Crops in General Soil Depleting Bases.**—If the computed 1935 general acreage does not exceed the general soil depleting base, payment will be made, not in excess of the maximum general soil conserving payment, in an amount obtained by multiplying the number of acres diverted from such base by the specified rate per acre. If the computed 1935 general acreage is greater than the general soil depleting base, payment will be made, not in excess of the maximum general soil conserving payment, in an amount bearing the same ratio to the maximum general soil conserving payment as the number of acres diverted from the computed 1935 acreage bears to the number of acres required to be diverted to reach the maximum general soil conserving payment. The rate for diversion from crops in the general soil depleting base is an average of \$10.00 per acre for the United States, varying among States, counties, and individual farms, as the productivity of the crop land used for these crops varies from the average productivity of all such crop land in the United States.

(b) **Rates and Payments for Diversion from Cotton Soil Depleting Base.**—Payment will be made, not in excess of the maximum cotton soil conserving payment, in an amount obtained by multiplying the number of acres diverted from the cotton soil depleting base by the rate per acre for such diversion. The rate per acre for diversion from the cotton soil depleting base shall be the result obtained by multiplying the number of pounds representing the normal yield per acre of cotton for the farm by 5 cents.

(c) **Rates and Payments for Diversion from Tobacco Soil Depleting Base.**—Payment will be made, not in excess of the maximum tobacco soil conserving payment, in an amount obtained by multiplying the number of acres diverted from the Burley, dark air-cured, cigar leaf, or Eastern Ohio Export tobacco soil depleting base, as the case may be, by the rate per acre for such diversion. The rate per acre for diversion from any tobacco soil depleting base shall be the result obtained by multiplying the number of pounds representing the normal yield per acre of the specified kind of tobacco for the farm, in the case of Burley tobacco, by 5 cents; in the case of dark air-cured tobacco, by 3½ cents; and in the case of cigar leaf or Eastern Ohio Export tobacco, by 3 cents.

PART II. Rates and Conditions of Payment.—The first paragraph of Section 3 is amended to read as follows:

Payment will be made with respect to any farm which has a sugar beet soil depleting base, in an amount for each acre in the sugar beet soil depleting base, not in excess of the acreage allotment for sugar beets for such farm, equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield of sugar beets for such farm.

PART II. Rates and Conditions of Payment.—The first paragraph of Section 4 is amended to read as follows:

Payment will be made with respect to any farm which has a flax soil depleting base, in an amount for each acre in the flax soil

¹ The rate per acre will vary among the States and counties depending upon the productivity of the crop land devoted to corn, wheat, oats, barley, rye, buckwheat, grain sorghum, soybeans, dry edible beans, sorghum for syrup, broom corn, potatoes, and sweet potatoes. Upon the recommendation of the State Committee or the Agricultural Adjustment Administration and approval by the Secretary the rate per acre for any county determined in the manner described above may be adjusted. In making this adjustment such additional factors will be considered as the Secretary determines will more accurately reflect the productivity of the crop land in the county than would the use of the factors mentioned above. The rate per acre will vary among farms within the county depending upon the productivity of the crop land on the farm as measured by its normal yield of the major soil depleting crop in the county. Where the yield of the major soil depleting crop for any farm in a county does not accurately reflect the productivity of such farm, the yield of such other crop or crops as do accurately reflect the productivity of such farm may be employed. Provided, That the productivity indexes for such farms shall, if necessary, be adjusted so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity and as contrasted with other farms in the county having different soils and productive capacity.

depleting base, not in excess of the acreage allotment for flax for such farm, equal to 20 cents per bushel of the normal yield per acre of flaxseed for such farm.

PART II. Rates and Conditions of Payment is amended by renumbering Sections 5, 6, 7, and 8, as Sections 6, 7, 8, and 9, respectively, and by inserting the following new section:

SECTION 5. Rice.—Payment will be made with respect to any farm on which rice is grown in 1936 in an amount determined in accordance with and subject to the provisions of the bulletin heretofore or which may hereafter be issued relating to the 1936 Agricultural Conservation Program in the North Central Region, and the provisions concerning rice contained in bulletins heretofore or which may hereafter be issued relating to the 1936 Agricultural Conservation Program in the Southern Region.

PART II. Rates and Conditions of Payment.—Section 7 (heretofore numbered Section 6) is amended to read as follows:

SECTION 7. Minimum Acreage of Soil Conserving Crops.—If the total acreage of soil conserving crops on crop land on the farm in 1936 does not equal or exceed an acreage equal to the sum of—

- (a) 15 percent of the general soil depleting base,
- (b) 20 percent of the cotton soil depleting base,
- (c) 20 percent of the tobacco soil depleting base,
- (d) 25 percent of the sugar beet soil depleting base,
- (e) 20 percent of the flax soil depleting base,

a deduction will be made from any payment other than any soil building payment which otherwise would be made to any person with respect to the farm pursuant to any provision herein, in an amount computed as follows: Multiply the number of acres by which the total acreage of soil conserving crops on crop land on the farm in 1936 is less than the acreage specified in this Section 7 by an amount equal to one and one-half times the rate per acre determined for the farm under Section 2 (a) of Part II and multiply this result by the percentage to which such person would be entitled to share in any soil conserving payment which may be made with respect to such farm, such percentage to be determined in accordance with Section 3 of Part V.

PART II. Rates and Conditions of Payment.—Section 8 (heretofore numbered Section 7) is amended to read as follows:

SECTION 8. Increase in Acreage of Soil Depleting Crops.—(a) If the total acreage of crops in the general soil depleting base on any farm in 1936 exceeds the larger of (1) the general soil depleting base, or (2) the computed 1935 general acreage, a deduction will be made from any payment which otherwise would be made with respect to the farm in an amount obtained by multiplying such number of excess acres by the rate per acre determined for the farm under Section 2 (a).

(b) If the total acreage of sugar beets on any farm in 1936 exceeds the sugar beet soil depleting base, a deduction will be made from any payment which otherwise would be made with respect to the farm in an amount obtained by multiplying such number of excess acres by the rate per acre determined for the farm under Section 2 (a).

(c) If the total acreage of flax on any farm in 1936 exceeds the flax soil depleting base, a deduction will be made from any payment which otherwise would be made with respect to the farm in an amount obtained by multiplying such number of excess acres by the rate per acre determined for the farm under section 2 (a).

(d) If the acreage of cotton on any farm in 1936 exceeds the cotton soil depleting base, a deduction will be made from any payment which otherwise would be made with respect to the farm in an amount equal to the result obtained by multiplying such number of excess acres by the rate per acre determined for the farm under Section 2 (b). If no rate has been determined for the farm under Section 2 (b), the rate to be applied will be computed by multiplying the number of pounds representing the average county yield of cotton per acre by the farm's productivity index of crops in the general soil depleting base, and multiplying this result by five cents.

(e) If the acreage of any kind of tobacco on any farm in 1936 exceeds the tobacco soil depleting base established for such kind of tobacco, a deduction will be made from any payment which otherwise would be made with respect to the farm in an amount equal to the result obtained by multiplying such number of excess acres by the rate per acre determined for the farm for such kind of tobacco under Section 2 (c). If no rate has been determined for the farm under Section 2 (c) for the kind of tobacco of which there is an excess, the rate to be applied for such kind of tobacco will be computed by multiplying the number of pounds representing the average county yield per acre of such kind of tobacco by the farm's productivity index of crops in the general soil depleting base, and multiplying this result in the case of Burley tobacco by 5 cents; in the case of dark air-cured tobacco by 3½ cents; and in the case of cigar leaf or Eastern Ohio Export tobacco by 3 cents.

PART III. Establishment of Bases.—The first paragraph of Section 1 is amended to read as follows:

SECTION 1. Total Soil Depleting Base.—The County Committee will recommend for approval by the Secretary a total soil depleting base for each farm which shall represent the acreage normally used for the production of all soil depleting crops on such farm and shall be determined as hereinafter indicated. In no event shall the total soil depleting base for any farm be greater than the total number of acres of crop land on the farm. Where more than one soil depleting crop was harvested from the same land in 1935, such acreage shall be counted only once. The total soil depleting base shall be the acreage of all the soil depleting crops harvested in 1935, subject to the following adjustments:

PART IV. Classification of Crops.—The first paragraph is amended to read as follows:

Farm land when devoted to the crops and uses indicated hereinafter shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee, or the Agricultural Adjustment Administration and approved by the Secretary. If any acreage on the farm is used for the production of interplanted crops, the actual acreage of each interplanted crop shall be classified in accordance with the classifications contained herein.

If any acreage planted to sugar beets or flax is subsequently planted to a different soil depleting crop for harvest in 1936 other than a crop for emergency storage purposes planted after June 30, 1936, such acreage shall be classified in accordance with the classification of such subsequently planted crop. If any acreage planted to sugar beets or flax is not subsequently planted to a different soil depleting crop for harvest in 1936, other than a crop for emergency storage purposes planted after June 30, 1936, such acreage shall be classified as sugar beet or flax acreage, as the case may be.

PART IV. Classification of Crops.—Section 1 is amended to read as follows:

SECTION 1. Soil Depleting Crops.—Land devoted to any of the following crops shall be regarded as used for the production of a soil depleting crop for the year in which such crop is normally harvested, except as otherwise provided in Section 2:

- (a) Corn (field, sweet, broom, and popcorn).
- (b) Cotton.
- (c) Tobacco.
- (d) Potatoes.
- (e) Rice.
- (f) Sugar beets.
- (g) Hemp.
- (h) Cultivated sunflowers.
- (i) Melons, strawberries, sweet potatoes, and other truck and vegetable crops.
- (j) Grain sorghums and sweet sorghums.
- (k) Wheat, oats, barley, rye, buckwheat, flax, rape, canola, speltz, and grain mixtures.
- (l) Millet and sudan grass.
- (m) Soybeans, field beans, cowpeas, and field peas.
- (n) Except as provided in item (k) of Section 2 of Part IV, any acreage of crop land in 1936 which, before July 1, 1936, is not used for the production of a soil conserving or a soil depleting crop, or is not devoted to a neutral use as provided in Section 3 of this Part IV, shall be regarded as used for the production of a soil depleting crop.
- (o) Summer fallow in 1936.
- (p) Bulbs and flowers.

PART IV. Classification of Crops.—The first paragraph of Section 2 is amended to read as follows:

SECTION 2. Soil Conserving Crops.—Except as otherwise provided herein, land not devoted to a soil depleting crop within the meaning of Section 1 of Part IV, shall be regarded as devoted to the production of a soil conserving crop in such year, provided, (1) there is a good stand of any of the crops listed in this Section 2 on such land on the date as of which final inspection of the farm is made for the purpose of determining performance; or (2) satisfactory evidence is presented showing that there was a good stand of any of the crops listed in this Section 2 on such land some time during 1936; or (3) when a good stand of any of the crops listed in this Section 2 seeded in 1936 was not obtained due to uncontrollable natural causes, except as provided in items (k), (g), (r), and (c) of this Section 2, satisfactory evidence is presented showing that such land was properly seeded to any of such crops in accordance with good farming practices.

Land not planted to a soil depleting crop for harvest in 1935 shall be regarded as used for the production of a soil conserving crop in such year if such land was used for the growing of any of the crops listed in this Section 2.

Any acreage of rye, oats, wheat, barley, or grain mixtures used as a nurse crop clipped green or pastured sufficiently to prevent grain formation as specified in any item of this Section 2 and any acreage fallowed as specified in subdivision (2) of item (m) of this Section 2, shall be regarded as devoted to the production of a soil conserving crop only if such acreage is in a solid block contiguous to the entire side or end of a field and the line between the clipped, pastured, or fallowed portion and the remaining portion of the field is straight.

The classification of any land planted prior to 1936 to any of the crops listed in this Section 2 and used in 1936 for the growing

of any such crops, shall not be changed because after June 30, 1936, such land is plowed or planted to a soil depleting crop for harvest in 1937. The classification of any land planted in 1936 to any of the crops listed in this Section 2 (except soybeans, field beans, cowpeas, and field peas) after any such crop has attained at least 90 days' growth, shall not be changed because such land is plowed or planted to a soil depleting crop for harvest in 1937.

The classification of any land shall not be changed because after June 30, 1936, there is planted on such land a crop for emergency forage purposes, provided, that the planting of such emergency forage crop does not involve the destruction of a good stand of a soil conserving crop.

PART IV. Classification of Crops.—Section 2, items (b), (f), (i), (k), and (n) are amended to read as follows:

(b) *Annual Legumes For All Areas Except Area "B."*—Vetch, bur clover, crimson clover, crotonaria, annual lespedeza, sesbania, and annual sweet clover (Hubam), with or without such nurse crops as rye, oats, wheat, barley, or grain mixtures, when such nurse crops are clipped green or pastured sufficiently to prevent grain formation; soybeans, field peas, field beans, and cowpeas, provided a good vegetative growth of any of such crops is incorporated into the soil as green manure by plowing or disking before October 1, 1936, after having attained at least 60 days' growth.

(f) *Green Manure Crops.*—Wheat, oats, barley, rye, buckwheat, flax, rape, emmer, speltz, and grain mixtures, whether pastured or not, provided they are incorporated into the soil as green manure by plowing or disking before July 1, 1936, and followed by a crop, classified as soil conserving, seeded before October 1, 1936, without a nurse crop or with a nurse crop, provided there is evidence that such nurse crop was seeded at a rate not in excess of one-half the normal rate of seeding such crop alone for grain.

(g) *Cover Crops in Orchards and Vineyards.*—Rye, oats, barley, buckwheat, annual grasses, mixtures of these or mixtures of any of these with legumes seeded as a winter cover crop on crop land in orchards and vineyards, provided they are incorporated into the soil by plowing or disking between March 1, 1936, and June 30, 1936, inclusive, and provided further that the crop is not pastured or harvested for grain or hay.

(i) *Summer Fallow.*—Acreage summer fallowed, if first cultivated before July 1, 1936, and followed by a crop classified as soil conserving, seeded before October 1, 1936, without a nurse crop or with a nurse crop, provided there is evidence that such nurse crop was seeded at a rate not in excess of one-half the normal rate of seeding such crop alone for grain.

(k) *For Area "A."*—Sudan grass.

(n) *For Area "B."*—Rye, barley, oats, and small grain mixtures, seeded in the fall of 1935, not pastured after March 15, 1936, provided they are incorporated into the soil as green manure crops by plowing or disking before July 1, 1936, if no soil depleting crop, other than a crop for emergency forage purposes, is planted for harvest in 1936.

PART IV. Classification of Crops.—Section 2 is further amended by relettering items (f), (g), (h), (i), (j), (k), (l), (m), and (n), thereof, as items (g), (h), (i), (j), (l), (m), (n), (o), and (p), respectively, and by inserting the following new items:

(f) *Mixtures.*—Mixtures of legumes classified as soil conserving or mixtures of grasses and legumes, both classified as soil conserving, with or without such nurse crops as rye, oats, wheat, or barley, when such nurse crops are clipped green or pastured sufficiently to prevent grain formation.

(k) *Acreage First Cultivated After June 30, 1936.*—Any acreage cultivated for the first time in 1936 after June 30, 1936, upon which no soil depleting crop was harvested in 1936 or upon which no soil depleting crop was planted in 1936 for harvest in 1936, provided, (1) there is on such acreage, on the date as of which final inspection of the farm is made for the purpose of determining performance, a good stand of a soil conserving crop which would normally survive the winter, and (2) if a nurse crop is seeded with such soil conserving crop there is evidence that such nurse crop was seeded at a rate not in excess of one-half the normal rate of seeding such crop alone for grain.

(g) *Small Grains Cut For Hay or Where Grain Formation Prevented by Uncontrollable Natural Causes.*—Any acreage upon which wheat, oats, barley, rye, emmer, speltz, or grain mixtures are cut for hay or where grain formation is prevented by uncontrollable natural causes, provided, (1) there is on such acreage, on the date as of which final inspection of the farm is made for the purpose of determining performance, a good stand of a soil conserving crop which would normally survive the winter, and (2) if a nurse crop is seeded with such soil conserving crop there is evidence that such nurse crop was seeded at a rate not in excess of one-half the normal rate of seeding such crop alone for grain.

(r) *Small Grains Seeded Alone Where Grain Formation Prevented by Pasturing.*—Any acreage upon which wheat, oats, barley, rye, emmer, speltz, or grain mixtures seeded alone are pastured sufficiently to prevent grain formation, provided, (1) there is on such acreage, on the date as of which final inspection of the farm is made for the purpose of determining performance, a good stand of a soil conserving crop which would normally survive the winter, and (2) if a nurse crop is seeded with such soil conserving crop there is evidence that such nurse crop was seeded at a rate not in excess of one-half the normal rate of seeding such crop alone for grain.

(s) *For All Areas Except Area "B."*—Any acreage upon which soybeans, cowpeas, field beans, or field peas are cut for hay in 1936, or where vegetative growth is prevented by uncontrollable natural causes, provided, (1) there is on such acreage, on the date as of which final inspection of the farm is made for the purpose of determining performance, a good stand of a soil conserving crop which would normally survive the winter, and (2) if a nurse crop is seeded with such soil conserving crop there is evidence that such nurse crop was seeded at a rate not in excess of one-half the normal rate of seeding such crop alone for grain.

PART IV. Classification of Crops.—Section 3, subsection (f) is amended to read as follows:

(f) *For All Areas Except Area "A."*—An acreage of idle crop land and crop land summer fallowed in 1936 not in excess of the sum of the acreage of idle and fallow crop land on a farm in 1935 less the number of acres by which the total soil depleting base established for such farm exceeds the acreage of soil depleting crops planted on such farm in 1935.

PART IV. Classification of Crops.—Section 3 is amended by adding at the end thereof the following new paragraph:

(g) *For Area "A."*—An acreage of idle crop land in 1936 not in excess of the acreage of idle crop land on a farm in 1935 less the number of acres by which the total soil depleting base established for such farm exceeds the acreage of soil depleting crops planted on such farm in 1935.

PART V. Miscellaneous Provisions.—Section 1, paragraph (g), is amended to read as follows:

(g) Form No. NCR-1, entitled "Work Sheet—North Central Region—1936 Agricultural Conservation Program" is to be used in connection with the establishment of soil depleting bases for farms in the North Central Region.

PART V. Miscellaneous Provisions.—Section 6, paragraph (B-1), is amended by striking out the figure "40" appearing therein and inserting in lieu thereof the figure "25." Said Section 6 is further amended by striking out the reference to and the footnote numbered 2.

PART V. Miscellaneous Provisions.—Section 4 is amended to read as follows:

SECTION 4. Total Amount of Soil Conserving Payments for Diversion from Crops in the General Soil Depleting Base Where a Person Owns or Operates More Than One Farm in a County and Makes an Application for a Grant with Respect to One or More of Such Farms.—If a person owns or operates more than one farm in a county and makes an application for a grant with respect to one or more of such farms, the total amount of the soil conserving payment to such person for diversion from crops in the general soil depleting base shall, subject to the provisions of Sections 5, 7, 8, 9, and 10, of Part V, be computed as follows:

(a) For each farm owned or operated in the county with respect to which such person makes an application for a grant, multiply the computed 1935 general acreage by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(b) Add the amounts obtained under subsection (a) of this Section 4.

(c) For each farm owned or operated in the county with respect to which such person makes an application for a grant, multiply the general soil depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(d) Add the amounts obtained under subsection (c) of this Section 4.

(e) For each farm owned or operated in the county with respect to which such person makes an application for a grant, multiply the 1936 general acreage by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(f) Add the amounts obtained under subsection (e) of this Section 4.

(g) For each farm owned or operated in the county with respect to which such person makes an application for a grant, multiply the general soil depleting base by 85 percent; multiply this result by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II, and multiply this result by the percentage to which such person is entitled, and such percentage to be determined in accordance with Section 3 of Part V.

(h) Add the amounts obtained under subsection (g) of this Section 4.

(i) Ascertain which of the amounts obtained under subsections (b) and (d) of this Section 4 is the larger.

(j) For each farm owned or operated in the county with respect to which such person makes an application for a grant, multiply the maximum general soil conserving payment by the

percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(k) Add the amounts obtained under subsection (j) of this Section 4.

(l) If the amount obtained under subsection (f) of this Section 4 is less than the amount ascertained under subsection (i) of this Section 4, subtract the amount obtained under such subsection (f) from the amount ascertained under such subsection (i). If the amount obtained under subsection (f) of this Section 4 is not less than the amount ascertained under subsection (i) of this Section 4, the calculations outlined in subsections (m) to (p), inclusive, of this Section 4 need not be made since a deduction must be calculated as hereinafter outlined.

(m) Subtract the amount obtained under subsection (h) of this Section 4 from the amount ascertained under subsection (i) of this Section 4.

(n) Multiply the amount obtained under subsection (l) of this Section 4 by the amount obtained under subsection (k) of this Section 4.

(o) Divide the amount obtained under subsection (n) of this Section 4 by the amount obtained under subsection (m).

(p) Whichever of the amounts obtained under subsections (o) and (k) of this Section 4 is the smaller shall, subject to the provisions of the first paragraph of this Section 4, be the amount of the soil conserving payment for diversion from crops in the general soil depleting base to such person.

If the amount obtained under subsection (f) of this Section 4 is greater than the amount ascertained under subsection (i) of this Section 4, a deduction will be made from any payments which would otherwise be made to such person for performance on farms owned or operated in the county with respect to which he makes an application for a grant. The amount of any such deduction shall be equal to the result obtained by subtracting the result ascertained under subsection (i) of this Section 4 from the amount obtained under subsection (f) of this Section 4.

PART V. Miscellaneous Provisions, is amended by renumbering Sections 5, 6, 7, 8, 9, 10, and 11 as Sections 6, 7, 8, 9, 11, 12, and 13, respectively, and by inserting the following new sections:

SECTION 5. Total Amount of Cotton and Tobacco Soil Conserving Payments and Payments with Respect to Sugar Beets and Flax Where a Person Owns or Operates More than One Farm in a County and Makes An Application for a Grant with Respect to One or More of Such Farms.—If a person owns or operates more than one farm in a county and makes an application for a grant with respect to one or more of such farms, the total amount of the cotton and tobacco soil conserving payments and payments made with respect to sugar beets and flax to such person shall, subject to the provisions of Sections 4, 7, 8, 9, and 10 of Part V, be computed as follows:

(a) For each farm owned or operated in the county with respect to which such person makes an application for a grant: (1) Multiply the number of acres diverted from the cotton soil depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (b) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (2) Multiply the number of acres diverted from the soil depleting base for each kind of tobacco by the rate determined for such farms for such kind of tobacco pursuant to the provisions of Section 2 (c) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (3) Multiply the acreage allotment for sugar beets by the rate per acre determined for such farm pursuant to the provisions of Section 3 of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (4) Multiply the acreage allotment for flax by the rate per acre determined for such farm pursuant to the provisions of Section 4 of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(b) For each farm owned or operated in the county with respect to which such person makes an application for a grant and on which there has been: (1) An increase in the acreage of cotton over the cotton soil depleting base, multiply such number of excess acres by the rate determined for such farm pursuant to the provisions of Section 2 (b) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (2) An increase in the acreage of any kind of tobacco over the soil depleting base for such kind of tobacco, multiply such number of excess acres by the rate determined for such farm for such kind of tobacco pursuant to the provisions of Section 2 (c) of Part II and multiply this result by the percentage to be determined in accordance with Section 3 of Part V; (3) An increase in the acreage of sugar beets over the sugar beet soil depleting base, multiply such number of excess acres by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiply this result by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V; (4) An increase in the acreage of flax over the flax soil depleting base, multiply such number of excess acres by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiply this result

by the percentage to which such person is entitled, such percentage to be determined in accordance with Section 3 of Part V.

(c) The sum of the amounts obtained under subsection (b) of this Section 5 for farms with respect to which such person makes an application for a grant shall be subtracted from the sum of the amounts obtained under subsection (a) of this Section 5 for such farms. If the sum obtained under subsection (b) is greater than the sum obtained under subsection (a), the amount by which the sum obtained under subsection (b) exceeds the sum obtained under subsection (a) shall be deducted from any payments which otherwise would be made to such person for performance on farms owned or operated in the county by such person in 1936 with respect to which he makes an application for a grant: *Provided, That*—

(1) The total amount of the soil conserving payment to such person for diversion from cotton and tobacco soil depleting bases, respectively, shall not exceed the sum of his shares (determined in accordance with the provisions of Section 3 of Part V) of the maximum cotton soil conserving payment and of the maximum tobacco soil conserving payment, respectively, for each farm in the county with respect to which such person makes an application for a grant.

(2) The total amount of the payments to such person with respect to sugar beets and flax, respectively, shall not exceed the sum of his shares (determined in accordance with the provisions of Section 3 of Part V) of the maximum payments with respect to sugar beets and flax, respectively, as specified in Sections 3 and 4, respectively, of Part II, for each farm in the county with respect to which such person makes an application for a grant.

Section 10. Deduction for Increase of Cotton, Tobacco, Sugar Beets, and Flax over the Cotton, Tobacco, Sugar Beet, and Flax Soil Depleting Bases, Respectively. Where a Person Owns or Operates More Than One Farm in a County and Does Not Make An Application for a Grant With Respect to All Such Farms.—If a person owns or operates more than one farm in a county and does not make an application for a grant with respect to all such farms, and if the amount obtained by—

(A-1) Multiplying for each farm with respect to which no application for a grant is made by such person the number of acres by which the 1936 acreage of cotton exceeds the cotton soil depleting base for such farm by the rate determined for such farm pursuant to the provisions of Section 2 (b) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(A-2) Multiplying for each farm with respect to which no application for a grant is made by such person the number of acres by which the 1936 acreage of any kind of tobacco exceeds the soil depleting base for such kind of tobacco for such farm by the rate determined for such farm for such kind of tobacco pursuant to the provisions of Section 2 (c) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(A-3) Multiplying for each farm with respect to which no application for a grant is made by such person the number of acres by which the 1936 acreage of sugar beets exceeds the sugar beet soil depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(A-4) Multiplying for each farm with respect to which no application for a grant is made by such person the number of acres by which the 1936 acreage of flax exceeds the flax soil depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(A-5) Adding the amounts obtained under subsections (A-1), (A-2), (A-3), and (A-4) of this Section 10 for all such farms; is greater than the amount obtained by:

(B-1) Multiplying for each farm with respect to which no application for a grant is made by such person the number of acres diverted from the cotton soil depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (b) and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(B-2) Multiplying for each farm with respect to which no application for a grant is made by such person the number of acres diverted from the soil depleting base for each kind of tobacco by the rate determined for such farm for such kind of tobacco pursuant to the provisions of Section 2 (c) and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(B-3) Adding the amounts obtained in subsections (B-1) and (B-2) of this Section 10 for all such farms; there shall be deducted from any payments which would otherwise be made to such person for performance on farms owned or operated by him in the county in 1936 with respect to which he makes an application for a grant the amount obtained by subtracting from the amount obtained under subsection (A-5) of this Section 10 the amount obtained under subsection (B-3) of this Section 10.

PART V. Miscellaneous Provisions.—Section 9 (heretofore numbered Section 8) is amended to read as follows:

SECTION 9. Deduction for Increase of 1936 General Acreage on Farms in a County With Respect to Which No Application for a Grant is Made By a Person Who Owns or Operates More Than One Farm in Such County.—If a person owns or operates more than one farm in a county and does not make an application for a grant with respect to all such farms and if as a result of:

(a) Multiplying for each farm with respect to which no application for a grant is made by such person the computed 1935 general acreage by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(b) Adding the amounts obtained under subsection (a) of this Section 9;

(c) Multiplying for each farm with respect to which no application for a grant is made by such person the general soil depleting base by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(d) Adding the amounts obtained under subsection (c) of this Section 9;

(e) Multiplying for each farm with respect to which no application for a grant is made by such person the 1936 general acreage by the rate determined for such farm pursuant to the provisions of Section 2 (a) of Part II and multiplying this result by the percentage to which such person would be entitled, such percentage to be determined in accordance with Section 3 of Part V;

(f) Adding the amounts obtained under subsection (e) of this Section 9;

(g) Ascertaining which of the amounts obtained under subsections (b) and (d) of this Section 9 is the larger, the amount obtained under subsection (f) of this Section 9 is greater than the amount ascertained under subsection (g) of this Section 9, a deduction will be made from any payments which would otherwise be made to such person for performance on farms owned or operated by him in the county in 1936 with respect to which he makes an application for a grant. The amount of any such deduction shall be equal to the result obtained by subtracting the result ascertained under subsection (g) of this Section 9 from the amount obtained under Subsection (f) of this Section 9.

PART V Miscellaneous Provisions.—The first sentence of Section 11 (heretofore numbered Section 9) is amended to read as follows:

Except as may hereafter be provided, for the purposes of the 1936 Agricultural Conservation Program in the North Central Region, a person will not be regarded as the owner or operator of a farm unless such person owned or operated such farm as the case may be, on June 30 1936, and has been such owner or operator for a period of at least 60 consecutive days, which period must include June 30, 1936.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 5th day of August 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 1594—Filed, August 5, 1936; 1:04 p. m.]

SR-B-3—Supplement (d)

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 3—SUPPLEMENT (D)

Part II of Southern Region Bulletin No. 3 is hereby amended by adding the following subdivision (D)

D. DETERMINATION OF AMOUNT OF 96° SUGAR, RAW VALUE, COMMERCIALLY RECOVERABLE PER TON OF SUGARCANE FOR SUGAR; PERCENT OF GROWING SUGARCANE FOR SUGAR USED FOR SEED; DETERMINATION OF NORMAL YIELD PER ACRE OF SUGARCANE FOR SUGAR FOR THE FARM

SEC. 1. Determination of amount of 96° sugar raw value, commercially recoverable per ton of sugarcane for sugar.—The number of pounds of 96° sugar, raw value, commercially recoverable per ton of sugarcane for sugar in the Southern Region is 151.26.

SEC. 2. Percent of growing sugarcane for sugar used for seed.—The percentage of growing sugarcane for sugar necessary to be set aside for seed is 9.4.

SEC. 3. Determination of normal yield per acre of sugarcane for sugar for the farm.—The normal yield of sugarcane for sugar per acre for each farm for which a worksheet is filed shall be the

yield of sugarcane for sugar per acre on the farm established, or which could have been established, under the Production Adjustment Program of the Agricultural Adjustment Administration:

Provided, That where sugarcane for sugar was not grown on the farm during the years used to establish the yield under such program, and where the yield established, or which could have been established, in accordance with such program is determined by the appropriate community and county committees not to represent a normal yield for the farm, such yield shall be established or adjusted, as the case may be, at a figure determined by such committees to represent a normal yield for the farm based upon the normal yield for the neighboring farms having similar soils for the production of sugarcane for sugar.

In witness whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 4th day of August, 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 1577—Filed, August 5, 1936; 12:05 p. m.]

Bureau of Biological Survey.

ORDER

PERMITTING FISHING WITHIN NINE PIPE AND PABLO BIRD REFUGES,
MONTANA

Pursuant to regulations 1 and 2 of the regulations of the Secretary of Agriculture of May 7, 1930, governing the administration of Federal wildlife refuges, it is hereby ordered until further notice that fish may be taken only from January 1 to April 30 and from July 1 to December 31 in any year, as permitted by the laws and regulations of the State of Montana and subject to such regulations as may be prescribed by the Bureau of Indian Affairs of the Department of the Interior, from waters within the Nine Pipe and Pablo Bird Refuges, established by Executive Orders No. 3503 and No. 3504 dated June 25, 1921, subject to the following conditions and restrictions:

1. *Licenses.*—Any person exercising the privilege of fishing within the refuge shall be in possession of a valid State fishing license, if such license is required, and such additional license or permit as may be required by the Bureau of Indian Affairs. Any such license or permit, upon request, shall be exhibited to any representative of the State Game Department authorized to enforce fishing laws, any representative of the Bureau of Indian Affairs, or any representative of the Bureau of Biological Survey. *Provided*, That fishing shall be done in such manner and at such times as will not interfere with the objects for which the refuge was established.

2. *Routes of travel.*—Persons entering the refuge for fishing purposes shall follow such routes of travel and shall enter and leave the refuge at such points as shall from time to time be designated by the officer in charge.

3. *Firearms and fires.*—The carrying or being in possession of firearms of any description is not permitted. Special care must be observed to prevent lighted matches, cigars, or cigarettes, or pipe ashes from being dropped in grass or other inflammable material.

[SEAL]

H. A. WALLACE, Secretary.

AUGUST 5, 1936.

[F. R. Doc. 1579—Filed, August 5, 1936; 12:05 p. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

[Resolution No. 1511-36]

APPROVAL OF MISCELLANEOUS ITEMS OF EQUIPMENT AND MATERIAL

Resolved, That under authority of Sections 4405 and 4491 R. S. the following equipment be and hereby is approved for use on vessels subject to inspections:

LIFE PRESERVERS

- No. 3872-1—Adult's Block Cork Life Preserver, Seaway Manufacturing Company, W. S. Brusstar, Jr., New Orleans, La.
 No. 3872-2—Child's Block Cork Life Preserver, Seaway Manufacturing Company, W. S. Brusstar, Jr., New Orleans, La.
 No. 3872-3—Adult's Balsa Life Preserver, Seaway Manufacturing Company, W. S. Brusstar, Jr., New Orleans, La.
 No. 3872-4—Child's Balsa Life Preserver, Seaway Manufacturing Company, W. S. Brusstar, Jr., New Orleans, La.
 No. 3872-5—Adult's Kapok Life Preserver, Seaway Manufacturing Company, W. S. Brusstar, Jr., New Orleans, La.

VALVES AND EQUIPMENT

- No. 3756-1—Marelco non-return valve, Marine Electric Company, Seattle, Washington, and Portland, Oregon.

LIFE BOAT SIGNALING DEVICES

- No. 3841-1—Watertight container for Signal Pistol Outfit, Cowdrey and Company, Inc., 17 Battery Place, New York, New York.

AUTOMATIC SPRINKLER DEVICES

- No. 3903-1.—Globe, Issue "C", Automatic Sprinkler of ordinary, intermediate, hard, and extra hard ratings equipped with silver discs in lieu of copper discs or gaskets as manufactured for use in calcium chloride filled sprinkler systems. Globe Automatic Sprinkler Company, 2035 Washington Ave., Philadelphia, Penna.
 No. 3903-2.—"Saveall" globe, Issue "DD", Automatic Sprinklers of 135 degree (ordinary), 175 degree (special intermediate), 212 degree (intermediate), 280 degree (hard), and 340 degree (extra hard), ratings in upright and pendent patterns. Globe Automatic Sprinkler Company, 2035 Washington Ave., Philadelphia, Penna.
 No. 3903-3.—Globe Alarm Check Valve Model E with retarding chamber. Globe Automatic Sprinkler Company, 2035 Washington Ave., Philadelphia, Pa.
 No. 3903-4.—Globe Dry Pipe Valve, Model "C", 6 inch size. Globe Automatic Sprinkler Company, 2035 Washington Ave., Philadelphia, Pa.

[Resolution No. 3881-3]

SIGNAL PISTOLS

Resolved, Under authority of Sections 4405 and 4488 R. S., that the seventh paragraph titled "Signal Pistol" under Section —, —, Lifeboat Equipment of Rule III, General Rules and Regulations, appearing on page 518 of the Federal Register under date of May 23, 1936, be and hereby is amended by the addition of the following subparagraphs:

11. The use of signal pistol cartridges shall not be permitted for a period of longer than two years from the date of manufacture.
 13. On vessels certificated for the Coastwise Service, signal pistol outfits shall be provided in the ratio of one signal pistol outfit for each five boats or fraction thereof.
 15. On cargo vessels, signal pistol equipment need not be provided for more than two lifeboats.

So that the paragraph as amended will read as follows:

Signal Pistol.—1. An approved signal pistol outfit consisting of an approved pistol with lanyard attached and 12 approved parachute signal cartridges, both contained in an approved portable watertight metal case, the cartridge to contain a projectile which will give forth a brilliant red flame of not less than 20,000 candle power and capable of being projected vertically to a height of not less than 150 feet and of not less than 30 seconds burning duration.

2. The signal pistol outfit shall be constructed in accordance with the following specifications:

3. The pistol will be substantially constructed of good quality material properly protected against corrosion. The dimensions of the barrel and chamber of the pistol shall conform with the dimensions set forth in the following diagram, marked "Figure 1."

[For diagram, see issue of Federal Register for Thursday, August 6, 1936, page 1148.]

4. The exterior case of the cartridge shall be made of a suitable metal and shall be reasonable proof against the entrance of moisture.

5. The signal projectile when discharged vertically upward shall attain an altitude of not less than 150 feet, and be so constructed that the parachute will be expelled at approximately the maximum altitude reached.

6. The pyrotechnic candle shall be suspended by a suitable parachute at the approximate altitude of expulsion and the average rate of descent during the period of burning shall not exceed 6 feet per second in reasonably still air.

7. The projectile case and delay element shall be so constructed as to prevent any possibility of the propelling charge blowing by and causing premature ejection of the projectile contents.

8. All approved signal cartridges shall be capable of being fitted into and fired from a pistol that is bored and chambered in conformity with the chamber drawing illustrated in Figure 1.

9. The pyrotechnic candle shall burn for not less than 30 seconds with a brilliant red flame of not less than 20,000 candle power as determined by a Sharp-Miller photometer or equivalent photometric device.

10. All pistols and cartridges must be marked with the name of the manufacturer and date of manufacture. All pistols and cartridges manufactured and approved before the effective date of this section may be continued in use until replaced.

11. The use of signal pistol cartridges shall not be permitted for a period of longer than two years from the date of manufacture.

12. The portable water-tight case shall be constructed of copper or other non-corrosive metal or steel which has been thoroughly galvanized, of not less than No. 19 BWG thickness, seams lock jointed and soldered. The cover shall fit on a tight rubber gasket and be securely held in place by clamps or dogs. The case should be of a size that will conveniently contain the pistol and 12 cartridges.

13. On vessels certificated for the Coastwise Service, signal pistol outfits shall be provided in the ratio of one signal pistol outfit for each five boats or fraction thereof.

14. The stowage of this equipment, except in the emergency and motor lifeboats, is discretionary with the master.

15. On cargo vessels, signal pistol equipment need not be provided for more than two lifeboats.

[Resolution No. 3931-1]

INSPECTION OF MOUNTINGS AND ATTACHMENTS

Resolved, That under authority of Sections 4405 and 4418, R. S. of the U. S., Rule II, Section 18, Paragraph I-18-5 (a), Fifty-third Supplement to the General Rules and Regulations, be and hereby is amended in the following respect:

Delete the words "at the time of the annual inspection" appearing in the first sentence of this paragraph, and substitute therefor "at the annual inspection or at the next regular scheduled drydocking", so that the amended paragraph shall read as follows:

I-18-5. Inspection of mountings and attachments.—(a) Examination of stop valves and mountings. It shall be the duty of inspectors to require stop valves and mountings on boilers to be opened up every fourth year at the annual inspection or at the next regular scheduled drydocking, and at intermediate periods if he deems it necessary to ascertain if any flaws or defects have developed, also to examine the stud bolts attaching mountings or fittings to the boiler. A record of the inspection of mountings and attachments shall be made in form 840-B.

[Resolution No. 3932-1]

ENABLING THE BUREAU TO APPROVE CERTAIN BOILERS, PRESSURE VESSELS, MISCELLANEOUS EQUIPMENT, AND APPLIANCES

Resolved, That under authority of Sections 4405 and 4433, R. S. of the U. S., Rule II, General Rules and Regulations, be, and hereby is, amended in the following respect:

Third line, Paragraph C-1-2 (b), delete the words "to the board", and insert the words "to the Director" so that the paragraph shall read:

(b) Manufacturers of water-tube boilers, or other types of pressure vessels, or of pressure fittings or appliances, to be installed on vessels subject to the jurisdiction of the bureau, shall

submit to the Director drawings either in original form or prints which shall be fully descriptive of the boilers, pressure vessels, fittings, or appliances to be manufactured. Such manufacturers shall also upon request furnish to the Director a tracing of such drawings, or a sufficient number of copies thereof for distribution by him to the offices of all supervising and local inspectors.

Fourth line, Paragraph C-13-2, delete the words "Board of Supervising Inspectors" and substitute therefor the word "Bureau" so that the amended paragraph shall read:

C-13-2. Drawings and specifications.—Manufacturers of superheaters, headers, water walls, and economizers, not previously approved, shall submit drawings or blue prints and specifications to the Director, and such drawings and specifications must be approved by the Bureau before the apparatus can be installed on vessels subject to the jurisdiction of this Bureau. (See Rule II, C-1-2 (b).)

Fourth, fifth, and seventh lines, Paragraph C-14-2 (a), delete the words "board of supervising inspectors" and substitute therefor, in each case, the word "bureau", so that the amended paragraph shall read as follows:

C-14-2. Design, material, and workmanship.—(a) Manufacturers of safety valves not previously approved shall submit drawings or blue prints and specifications to the Director, and such drawings and specifications must be approved by the bureau before the safety valve can be installed on vessels subject to the jurisdiction of this bureau. In the event of the approval of the safety valve by the bureau, the manufacturer shall upon request furnish such additional blue prints and specifications as may be necessary for the use of each supervising inspector and local board of inspectors, and unless the design of this safety valve is changed, no further blue prints and specifications will be required.

Third line, Paragraph C-16-1 (a), delete the words "board of supervising inspectors" and substitute therefor the word "bureau", so that the amended paragraph shall read as follows:

C-16-1. Approval.—(a) Evaporators, heaters, traps, valves and fittings, separators, pressure vessels, and miscellaneous appliances are subject to approval by the bureau before being installed on vessels coming under the jurisdiction of this bureau.

Third line, Paragraph C-16-1 (b), delete the words "board of supervising inspectors" and substitute therefor the word "bureau", so that the amended paragraph shall read as follows:

(b) Manufacturers desiring to obtain approval of such appurtenances are required to submit detail drawings and specifications for consideration by the bureau.

[Resolution No. 3987-1]

PRESSURE RATINGS FOR STEEL COMPANION FLANGES

Resolved, That under authority of Sections 4405 and 4433, R. S. of the U. S., Rule II, Section 19, Paragraph P-19-8, General Rules and Regulations, be and hereby is amended in the following respect:

Delete the figure "300" in the caption appearing in small type in brackets above Table P-5, page 106, between the words "piping" and "pounds.", and substitute therefor the figure "350" so that the caption as amended, shall read:

[Steel companion flanges: Pressure rating for Class I piping, 350 pounds. For pressure ratings at higher temperatures it will be necessary to use the dimensional standards in Table P-6. All dimensions given in inches.]

Delete the figure "450" in the caption appearing in small type in brackets above Table P-6, page 106, between the words "piping" and "pounds.", and substitute therefor the figure "525" so that the caption as amended, shall read:

[Steel companion flanges: Pressure rating for Class I piping, 525 pounds. For pressure ratings at higher temperatures it will be necessary to use the dimensional standards in Table P-7. All dimensions given in inches.]

Delete the figure "700" in the caption appearing in small type in brackets above Table P-7, page 107, between the words "piping" and "pounds.", and substitute therefor the figure "800" so that the caption as amended, shall read:

[Steel companion flanges: Pressure rating for Class I piping, 800 pounds. Higher temperatures must be given special consideration. All dimensions given in inches.]

The following note to be added after Table P-7:

NOTE.—These service pressures, below and above 750° F., are subject to adjustment in accordance with the table shown in

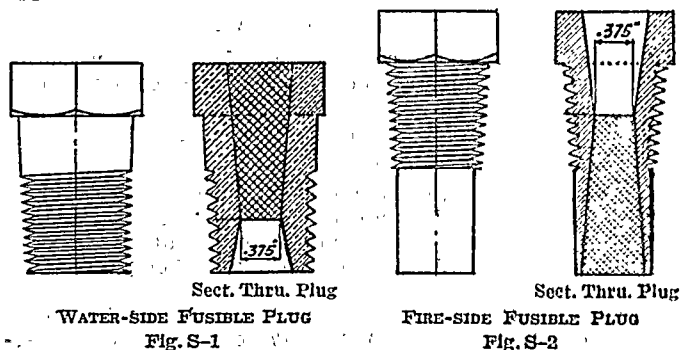
Rule I, Section 17, page 34, said table to be modified in accordance with increase in allowable pressures.

[Resolution No. 3988-1]

DESIGN OF FUSIBLE PLUGS

Resolved, That under authority of Sections 4405 and 4433, R. S. of the U. S., Rule II, Section 21, Paragraph S-21-3, General Rules and Regulations, be and hereby is, amended in the following respect:

Delete all the dimensional figures shown in the sketch, Figs. S-1 and S-2, on page 148, with the exception of the single figure showing the smallest dimensions of the bore of the fusible plug, namely, ".375" so that the sketch shall appear as shown below:



Approved type of fusible plugs with standard pipe threads

[F. R. Doc. 1531—Filed, August 3, 1936; 10:26 a. m.]

FARM CREDIT ADMINISTRATION.

FOA 13

AMENDATORY REGULATION NO. 3 OF THE REGULATIONS RELATIVE TO EMERGENCY CROP AND FEED LOANS IN THE CONTINENTAL UNITED STATES

MADE PURSUANT TO THE EMERGENCY RELIEF APPROPRIATION ACT OF 1935, APPROVED APRIL 8, 1935, AND EXECUTIVE ORDER NO. 7305, DATED FEBRUARY 28, 1936

AUGUST 5, 1936.

Paragraph 8 of the Regulations dated March 7, 1936, is hereby amended to read as follows:

8. An amount not greater than the actual harvesting and threshing expenses may, in the discretion of the regional manager, be released from the proceeds of the sale of any of the crops covered by a lien given to the Governor, in any case where a borrower does not have the necessary funds or credit to pay for the harvesting and threshing of such crops.

An amount not greater than actually necessary to obtain poison for the purpose of combating army worm, caterpillar, and insect infestation may, in the discretion of the regional manager, be released from the proceeds of the sale of crops covered by a lien given to the Governor of the Farm Credit Administration, in any case where the borrower does not have and cannot otherwise obtain the necessary funds or credit to pay for such poison: *Provided, however,* That no such release shall be made unless all holders of liens on such crops, of which liens the regional office has actual notice and which were acquired subsequent to the filing, registering, or recording of the lien given to the Governor, consent thereto in writing.

[SEAL]

W. I. MYERS,
Governor, Farm Credit Administration.

[F. R. Doc. 1601—Filed, August 6, 1936; 12:17 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of August A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2679]

IN THE MATTER OF BLEECKER-FOSTER, INC., A CORPORATION
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, that William C. Reeves, an examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Wednesday, August 26, 1936, at nine o'clock in the forenoon of that day (central standard time), in room 1123 New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 1595—Filed, August 6, 1936; 9:23 a. m.]

*United States of America—Before Federal Trade
Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of August A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2774]

IN THE MATTER OF TWENTIETH CENTURY BUSINESS BUILDERS,
INC., A CORPORATION, AND EDWIN I. GORDON, AN INDIVIDUAL

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, that William C. Reeves, an examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Wednesday, August 19, 1936, at nine o'clock in the forenoon of that day, in room 1123, New Post Office Building, Chicago, Illinois, central standard time.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 1596—Filed, August 6, 1936; 9:23 a. m.]

*United States of America—Before Federal Trade
Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of August A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2336]

IN THE MATTER OF AMERICAN PRODUCTS COMPANY, A CORPORATION,
AND ZANOL PRODUCTS COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; U. S. C. A., Section 41),

It is ordered, that William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Wednesday, August 26, 1936, at nine o'clock in the forenoon of that day, in room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 1597—Filed, August 6, 1936; 9:24 a. m.]

INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 30th day of July A. D. 1936.

[Ex Parte No. BMC 2]

IN THE MATTER OF MAXIMUM HOURS OF SERVICE OF EMPLOYEES
OF COMMON CARRIERS AND CONTRACT CARRIERS OF PASSENGERS
AND PROPERTY BY MOTOR VEHICLE AND OF EMPLOYEES OF PRIVATE
CARRIERS OF PROPERTY BY MOTOR VEHICLE

Section 204 (a), sub-paragraphs (1) and (2) of the Motor Carrier Act, 1935, being under consideration:

It is ordered, That, with a view to the establishment of reasonable requirements with respect to the maximum hours of service of employees of motor carriers in interstate or foreign commerce, a proceeding of inquiry and investigation be, and it is hereby, instituted into and concerning:

(a) The matter of maximum hours of service of employees of all common carriers and contract carriers of passengers by motor vehicle in interstate or foreign commerce, including those engaged in special or charter operations, those engaged in operations over either regular or irregular routes, those engaged in seasonal operations, and those specifically referred to in Section 203 (b), sub-paragraphs (1), (2), (3), (4), (5), (8), and (9) of the said Act;

(b) The matter of maximum hours of service of employees of all common carriers and contract carriers of property by motor vehicle in interstate or foreign commerce, including those operating over either regular or irregular routes, those engaged in seasonal operation, and those specifically referred to in Section 203 (b), sub-paragraphs (4a), (4b), (6), (7), (8), and (9) of the said Act;

It is further ordered, That this proceeding be set for hearing at such times and places, and that such persons be required to appear and testify and furnish such information and produce such books, documents, accounts, records, memoranda, papers, and correspondence as the Commission may hereafter specify and call for;

And it is further ordered, That notice of this proceeding be given to such motor carriers and other interested parties by such means as the Commission may hereafter adopt and use for that purpose, including the posting of a notice in the office of the Commission's Secretary.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 1598—Filed, August 5, 1936; 12:09 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 30th day of July A. D. 1936.

[Ex Parte No. BMC 3]

IN THE MATTER OF NEED FOR ESTABLISHING REASONABLE REQUIREMENTS TO PROMOTE SAFETY OF OPERATION OF MOTOR VEHICLES USED IN TRANSPORTING PROPERTY BY PRIVATE CARRIERS

Section 204 (a), sub-paragraph (3), of the Motor Carrier Act, 1935, being under consideration:

It is ordered, That a proceeding of inquiry and investigation be, and it is hereby, instituted, for the purpose of determining whether, in the interest of, and to promote safety to, the general public, there is need for the prescription of qualifications and maximum hours of service of employees and standards of equipment in connection with the operation of motor vehicles used in transporting property by private carriers;

It is further ordered, That this proceeding be set for hearing at such times and places, and that such persons be required to appear and testify, and furnish such information, and produce such books, documents, accounts, records, memoranda, papers, and correspondence as the Commission may hereafter specify and call for;

And it is further ordered, That notice of this proceeding be given to such private carriers and other interested parties by such means as the Commission may hereafter adopt and use for that purpose, including the posting of a notice in the office of the Commission's Secretary.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 1589—Filed, August 5, 1936; 12:09 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 29th day of July A. D. 1936.

[Docket No. BMC 2868]

APPLICATION OF EDWARDS MOTOR TRANSIT CO., FOR AUTHORITY TO OPERATE AS A COMMON CARRIER

In the Matter of the Application of Edwards Motor Transit Co., 732-4 Grace Street, Williamsport, Pa., for a Certificate of Public Convenience and Necessity (Form BMC 2) Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of Passengers, Light Express, and Newspapers, in Interstate Commerce, Over the Following Routes:

Route No. 1.—Between New York, N. Y., and Cleveland, Ohio, via Newark, Elizabeth, N. J., Easton, Weissport, and Tamaqua, Pa., over U. S. Highways 1, 22, 309, 209, N. J. Highway 27, Pa. Highway 45; thence Williamsport, Pa., via Hometown, Ashland, Sunbury, Northumberland, Muncy, over U. S. Highways 122, 15, 111, Pa. Highways 29, 45, 14; thence Du Bois, Pa., via Port Matilda, over U. S. Highways 220, 219, 322; thence Cleveland, Ohio, via Oil City, Pa., and Youngstown, Ohio, over U. S. Highways 62, 422 Pa. Highway 257, and County Roads.

Route No. 2.—Between New York, N. Y., and Cleveland, Ohio, via Montgomery, Pa., over U. S. Highways 1, 22, N. J. Highway 29, and County Roads, as described in Route No. 1; thence Cleveland, Ohio, via Williamsport, Pa., over Pa. Highway 404, and County Roads, as described in Route No. 1.

Route No. 3.—Between Pittsburgh, Pa., and Pennsylvania-New York State Line, via Wilkesburg and Shady Plains, Pa., over U. S. Highway 22, Pa. Highways 80, 380, 66, 56, and County Roads; thence Pennsylvania-New York State Line via Shelocta, Indiana, and Du Bois, Pa., over U. S. Highways 422, 119, 219, Pa. Highway 156.

Route No. 4.—Between Pittsburgh, Pa., and Pennsylvania-New York State Line, via Indiana, Pa., as described in Route No. 3; thence Marion Center, Pa., via Clymer, Pa., over Pa. Highways 80, 480; thence Du Bois, as described in Route No. 3; thence Pennsylvania-New York State Line via Johnsonburg, Pa., over Pa. Highway 255, and as described in Route No. 3.

Route No. 5.—Between Williamsport, Pa., and Elmira, N. Y., over U. S. Highway 111, Pa. Highways 826, 549, N. Y. Highway 328.

Route No. 6.—Between Williamsport, Pa., and Elmira, N. Y., via Mansfield, Pa., over U. S. Highways 111, 6, Pa. Highway 549, N. Y. Highway 328.

Route No. 7.—Between Tamaqua and Ashland, Pa., via Pottsville, Pa., over U. S. Highways 209, 122.

Route No. 8.—Between Indiana and Clearfield, Pa., via Grampian, over U. S. Highway 322, Pa. Highway 80.

Also Charter Service.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner A. S. Parker for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner A. S. Parker, on the 17th day of August A. D. 1936, at 9 o'clock a. m. (standard time), at the Federal Building, Pittsburgh, Pa.

It is further ordered, That notice of this proceeding be duly given.

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served. By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 1587—Filed, August 5, 1936; 12:08 p. m.]

[Fourth Section Application No. 16451]

SALT FROM SOUTHWESTERN AND OFFICIAL TERRITORIES

August 5, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. E. Tilford, Agent.

Commodity involved: Salt, in carloads.

From: Points in Southwestern and Official territories.

To: Stations on The Carolina Southern Railway Company.

Grounds for relief: Carrier and truck competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 1580—Filed, August 5, 1936; 12:07 p. m.]

[Fourth Section Application No. 16452]

BURLAP BAGGING FROM NEW ORLEANS, LA.

AUGUST 5, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: J. E. Tilford, Agent.
Commodity involved: Burlap bagging (box covers or tops), in mixed carloads with wooden box material.
From: New Orleans, La.
To: Points in southwestern and western trunk-line territories.
Grounds for relief: Carrier competition. Carriers operating routes east of the Mississippi River desire to compete with routes operating west of said river.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 1531—Filed, August 5, 1936; 12:07 p. m.]

[Fourth Section Application No. 16453]

ROAD BUILDING MATERIAL FROM BIRMINGHAM, ALA., TO
WESTERN TRUNK LINE TERRITORY

AUGUST 5, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: J. E. Tilford, Agent.
Commodity involved: Slag, chert, sand, gravel, stone screenings, and broken, crushed, or ground stone including crushed natural asphalt stone, to which has been added oil, tar, lime and/or asphalt.
From: Birmingham, Ala., and points taking the same rates.
To: Points in western trunk-line territory.
Grounds for relief: Carrier competition and to maintain grouping.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 1532—Filed, August 5, 1936; 12:07 p. m.]

[Fourth Section Application No. 16454]

DEHYDRATED SUGAR CANE PITH FROM LOUISIANA TO WESTERN
TRUNK LINE TERRITORY

AUGUST 5, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: J. E. Tilford, Agent.
Commodity involved: Dehydrated sugar cane pith, in carloads.
From: New Orleans and Reserve, La.
To: Points in western trunk-line territory.
Grounds for relief: Carrier competition. Analogous commodity.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 1533—Filed, August 5, 1936; 12:07 p. m.]

[Fourth Section Application No. 16455]

TIN AND TIN ARTICLES TO NEW ORLEANS, LA., MOBILE, ALA., AND
PENSACOLA, FLA.

AUGUST 5, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: J. E. Tilford, Agent.
Commodities involved: Tin and tin articles, carloads.
From: St. Louis, Mo., and East St. Louis, Ill.
To: New Orleans, La., Mobile, Ala., and Pensacola, Fla.
Grounds for relief: Market and water competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 1534—Filed, August 5, 1936; 12:03 p. m.]

[Fourth Section Application No. 16456]

PAVING MATERIAL FROM BIRMINGHAM AND ENSLEY, ALA., TO
MOBILE, ALA.

AUGUST 5, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: St. Louis-San Francisco Railway Company.
Commodities involved: Paving or road-surfacing material, carloads.
From: Birmingham and Ensley, Ala.
To: Mobile, Ala.
Grounds for relief: Circuitous routes, and to meet intrastate rates.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 1535—Filed, August 5, 1936; 12:03 p. m.]

[Fourth Section Application No. 16457]

COTTONSEED PRODUCTS AND RELATED ARTICLES TO WESTERN
TRUNK LINE TERRITORY

AUGUST 5, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: J. E. Tilford, Agent.
Commodities involved: Vegetable cake, meal, and cottonseed hulls, and articles taking the same rates, carloads.
From: Points in southern territory.
To: Points in western trunk-line territory.
Grounds for relief: To maintain grouping.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 1536—Filed, August 5, 1936; 12:03 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of July 1936.

[File No. 2-1692]

IN THE MATTER OF LEWIS AMERICAN AIRWAYS, INC.

ORDER DECLARING REGISTRATION STATEMENT AMENDED IN ACCORDANCE WITH STOP ORDER

This matter coming on to be heard by the Commission upon the registration statement originally filed by Lewis American Airways, Inc., Continental Oil Building, 18th and Glenarm Place, Denver, Colorado, on October 5, 1935, and upon amendments to said registration statement filed by said registrant on November 12, 1935, April 30, 1936, and May 15, 1936, and the Commission having duly considered the matter and now being fully advised in the premises.

It is declared, that said registration statement has been amended in accordance with the stop order issued March 27, 1936, and

It is ordered, that said stop order shall cease to be effective.

Attention shall be directed to the provisions of Section 23, Securities Act of 1933, which follow: "Neither the fact that the registration statement for a security has been filed or is in effect nor the fact that a stop order is not in effect with respect thereto shall be deemed a finding by the Commission that the registration statement is true and accurate on its face or that it does not contain an untrue statement of fact or omit to state a material fact, or be held to mean that the Commission has in any way passed upon the merits of, or given approval to, such security. It shall be unlawful to make, or cause to be made, to any prospective purchaser any representation contrary to the foregoing provisions of this section."

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1593—Filed, August 5, 1936; 1:02 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of August A. D. 1936.

[Filed on July 6, 1936]

IN THE MATTER OF STUART L. VANCE & COMPANY OFFERING SHEET OF A ROYALTY INTEREST IN MID-CONTINENT YOUNG FARM

ORDER TERMINATING PROCEEDING (UNDER RULE 340) THROUGH AMENDMENT

The Securities and Exchange Commission finding that the amendment to the offering sheet which is the subject of this proceeding, filed with the said Commission, is so far as necessary in accordance with the suspension order previously entered in this proceeding:

It is ordered, that the amendment dated July 30, 1936, and received at the office of the Commission on August 3, 1936, to Division III of the said offering sheet be effective as of August 3, 1936; and

It is further ordered, that the Suspension Order, Order for Hearing, and Order Designating a Trial Examiner entered in this proceeding on the 20th day of July 1936, be, and the same hereby are, revoked and the said proceedings terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1605—Filed, August 6, 1936; 12:54 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of August A. D. 1936.

IN THE MATTER OF ANDREW J. BARRETT OFFERING SHEET OF A ROYALTY INTEREST IN KANOKA-GIFFIN FARM

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING A TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet filed by Andrew J. Barrett on the 30th day of July 1936 covering a certain royalty interest in the property described therein as Kanoka-Giffin Farm is incomplete or inaccurate in the following material respects, to wit:

1. In that in the comparison in Division III, the oil recovery per well in the Welch Pool is misstated.

2. In that a per well rather than a per acre basis is made in the comparison of Chat wells in Division III.

3. In that Division III omits factors considered necessary, such as comparative well spacing from those used in comparing with the Chat horizon.

4. In that in Division III no consideration has been given to reduction of rock pressure in estimation of recoverable gas from the undeveloped portion of the tract.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and the same hereby is suspended until the 4th day of September 1936; that an opportunity for hearing be given to the said Andrew J. Barrett for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension should be revoked or continued; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission be, and he hereby is, designated as trial examiner to preside at such hearing, to adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to such offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding begin on the 20th day of August 1936, at 2:00 o'clock in the afternoon of that day at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said officer may designate.

Upon the completion of testimony in this matter the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1602—Filed, August 6, 1936; 12:53 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of August A. D. 1936.

IN THE MATTER OF JOHNSTON COMPANY, INCORPORATED, OFFERING SHEET OF A ROYALTY INTEREST IN STANOLIND SARKEY A & B FARMS

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING A TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the

offering sheet filed by Johnston Company, Incorporated, on the 30th day of July 1936 covering a certain royalty interest in the property described therein as Stanolind Sarkey A & B Farms is incomplete or inaccurate in the following material respects, to wit:

1. In that in Division III no data is given to indicate the comparability of this tract to the stated general average production of Wapanucka Lime, nor authority for the claim of figure of 4,000 bbls. per acre.

2. In that in Division III no data is given to indicate the comparability of this tract to the stated general average production of Cromwell Sand, nor authority for the claim of figure of 6,000 bbls. per acre, nor is there any showing that the Cromwell Sand is productive in the Fish Pool.

3. In that in Division III no data is given to indicate the comparability of this tract to the stated general average production of Viola Lime, nor authority for the claim of figure of 4,000 bbls. per acre.

4. In that several important factors have been omitted in making comparison of Wilcox with the Little River and East Little River Pools in Division III.

5. In that no reasons are given for assuming in Division III that the undrilled locations will be productive.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and the same hereby is, suspended until the 4th day of September 1936; that an opportunity for hearing be given to the said Johnston Company, Incorporated, for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension should be revoked or continued; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission be, and he hereby is, designated as Trial Examiner to preside at such hearing, to adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to such offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding begin on the 20th day of August 1936, at 11:00 o'clock in the forenoon of that day at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said officer may designate.

Upon the completion of testimony in this matter the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1603—Filed, August 6, 1936; 12:53 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of August A. D. 1936.

IN THE MATTER OF SUPREME OIL, INC., OFFERING SHEET OF A ROYALTY INTEREST IN SINCLAIR-PAIRIE-SHARP FARM

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING A TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet filed by Supreme Oil, Inc., on the 30th day of July 1936, covering a certain royalty interest in the property de-

scribed therein as Sinclair-Prairie-Sharp Farm is incomplete or inaccurate in the following material respects, to wit:

1. In that Item 16 (a) (111), Division II, states that water in production will be set forth later, but it is not.

2. In that April and May 1936 production in Item 16 (c), Division II, is incorrect.

3. In that numerous items in Column (d), Item 16, Division II, are miscalculated.

4. In that Division III uses an improper comparison as a basis for estimation of recoverable oil.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and the same hereby is, suspended until the 4th day of September 1936; that an opportunity for hearing be given to the said Supreme Oil Inc., for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension should be revoked or continued; and

It is further ordered, that Robert P. Reader, an officer of the Commission be, and he hereby is, designated as trial examiner to preside at such hearing, to adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to such offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding begin on the 20th day of August 1936, at 10:00 o'clock in the forenoon of that day at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said officer may designate.

Upon the completion of testimony in this matter the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1604—Filed, August 6, 1936; 12:53 p. m.]

Saturday, August 8, 1936

No. 106

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

DESIGNATING THE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

By virtue of and pursuant to the authority vested in me by section 10 of the Federal Reserve Act (38 Stat. 260) as amended by section 203 (a) of the Act of August 23, 1935, (49 Stat. 704), I hereby designate Ronald Ransom as Vice Chairman of the Board of Governors of the Federal Reserve System, to serve as such for a term of four years.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE

August 6, 1936.

[No. 7426]

[F. R. Doc. 1607—Filed, August 7, 1936; 11:03 a. m.]

EXECUTIVE ORDER

REVOCATION OF PARAGRAPH 2 (B), SECTION V, SCHEDULE A, OF THE CIVIL SERVICE RULES

WHEREAS Executive Order of February 27, 1917, amended paragraph 2, section V, Schedule A of the Civil Service Rules, so as to except the positions hereinafter named from the

